













THE  
REGISTRATION MANUAL

COMPRISING THE

INDIAN REGISTRATION ACT, 1871

WITH NOTES OF DECISIONS

THE BENGAL RULES AND TABLE OF FEES

AND

LISTS OF DISTRICTS AND SUB-DISTRICTS

IN BENGAL, THE N. W. P. AND THE PUNJAB

WITH APPENDICES AND A FULL INDEX

BY

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INSPECTOR GENERAL OF REGISTRATION, BENGAL

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ACT NO. VIII OF 1871.

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THE INDIAN REGISTRATION ACT, 1871.

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*Received the assent of His Excellency the Governor General on  
the 24th March 1871.*

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AN ACT  
FOR  
**THE REGISTRATION OF DOCUMENTS.**

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Preamble. WHEREAS it is expedient to consolidate and amend the laws relating to the registration of documents; It is hereby enacted as follows :-

**PART I.**  
**PRELIMINARY.**

Short title. 1. This Act may be called "The Indian Registration Act, 1871 :"

Local extent. It extends to the whole of British India, except such districts or tracts of country as the Local Government may from time to time, with the previous sanction of the Governor General in Council, exclude from its operation.

In Bengal, the Garo, Khasia, Jynteah and Naga Hills, the Chittagong Hill Tracts, and the Tributary Mehals of Orissa and Chotâ Nagpore, have been excluded from the operation of the Act.

Commencement. And it shall come into force on the first day of July 1871.

2. On and from that day the enactments mentioned or referred to in the first schedule hereto annexed shall be repealed to the extent specified in the third column of the same schedule.



But all appointments, notifications, rules and orders made, and all offices established, under any of the said enactments, shall be deemed to have been respectively made and established under this Act, except in so far as such rules and orders may be inconsistent herewith.

References made in Acts passed before the first day of July 1871 to any enactment hereby repealed, shall be read as if made to the corresponding section of this Act.

And nothing herein contained affects Act No. XX of 1866, so far as relates to the procedure upon any agreement recorded under section fifty-two of that Act at any time before that day, or the procedure provided by that Act for the registration and deposit of authorities to adopt executed before the first day of January 1872.

Obligations specially registered under Act XX of 1866 may still be enforced under the provisions of that Act. These provisions are given in Sections 53, 54 and 55 of the Act.

The registration and deposit of authorities to adopt, executed before the 1st January 1872, is optional, and will be regulated by the procedure of Act XX of 1866, no matter when they are presented. The registration of authorities executed after that date is compulsory. See Section 17.

And so far as regards suits instituted before the first day of April 1873, nothing herein contained affects Act No. XIV of 1859, section one, clause ten, as amended by Act No. XX of 1866, section twenty-seven.

Under the provisions here referred to, the period of limitation for suits brought on a promise or contract in writing was six years instead of three, if the writing was duly registered. A similar provision as regards suits instituted after the first of April 1873 is contained in Act IX of 1871, Schedule II, Art. 117.

3. In this Act, unless there be something repugnant Interpretation-clause. in the subject or context—

“Lease” includes a counterpart, a kabuliyat, an undertaking to cultivate or occupy, and an agreement to lease :  
“Lease.”

In the Stamp Act a “counterpart” is defined to mean “the duplicate of a conveyance, settlement, mortgage deed or lease, such duplicate not being executed by the grantor, settlor, mortgagor or lessor, but by some other party to the instrument : it includes a kabuliyat in cases where a lease has been granted.”

“Signature.”  
“Signed.”

“Signature” and “signed” include and apply to the affixing of a mark :

“Immoveable Property” includes land, buildings, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops, nor grass :

“Moveable Property” includes standing timber, growing crops and grass, fruit upon and juice in trees, and property of every other description, except immoveable property :

“Book” includes a portion of a book and also any number of sheets connected together with a view of forming a book or portion of a book :

“Endorsement” and “endorsed” include and apply to an entry in writing by a registering officer on a rider or covering slip to any document tendered for registration under this Act :

“Minor” means a person who, according to the personal law to which he is subject, has not attained majority :

Hindus attain their majority at the beginning of the sixteenth year according to the Bengal school, and at the end of the sixteenth year according to the other schools ; Muhammadans at the end of the sixteenth year, unless they sooner arrive at puberty. But by Act XL of 1855 eighteen was fixed as the age of majority for all persons not being European British subjects, and the whole question is now involved in much uncertainty. See Cowell's *Hindu Law*, pp. 173-181. By English law majority is attained at twenty-one years, and under the Indian Succession Act at eighteen.

“Representative” includes the guardian of a minor and the Committee or other legal curator of a lunatic or idiot :

“Addition” means the place of residence, and the profession, trade, rank and title (if any) of a person described, and, in the case of a Native, his caste (if any) and his father's name, or where he is usually described as the son of his mother, then his mother's name :

“District Court.” “District Court” includes the High Court in its ordinary original civil jurisdiction :

“District” and “Sub-District” respectively mean a District and Sub-District formed under this Act.

## PART II.

## OF THE REGISTRATION ESTABLISHMENT.

4. The Local Government shall appoint an officer to be the Inspector-General of Registration for the territories subject to such Government ;

Or may, instead of making such appointment, direct that all or any of the powers and duties hereinafter conferred and imposed upon the Inspector-General shall be exercised and performed by such officer or officers and within such local limits as the Local Government from time to time appoints in this behalf.

The Governor of Bombay in Council may also, with the previous consent of the Governor General in Council, appoint an officer to be Branch Inspector-General of Sindh, who shall have all the powers of the Inspector-General under this Act other than the power to frame rules hereinafter conferred.

Any Inspector-General or the Branch Inspector-General of Sindh may hold simultaneously any other office under Government.

5. For the purposes of this Act, the Local Government shall form Districts and Sub-Districts, and shall prescribe and may from time to time alter the limits of such Districts and Sub-Districts.

The Districts and Sub-Districts formed under this section, together with the limits thereof, and every alteration of such limits, shall be notified in the local official Gazette.

Every such alteration shall take effect on such day after the date of the notification as is therein mentioned.

For the present limits of Districts and Sub-Districts in Bengal, the North-West Provinces and the Punjab, see Appendix I.

6. The Local Government may appoint such persons, Registrars and Sub-Registrars, whether public officers or not, as it thinks proper, to be Registrars of the several Districts, and to be Sub-Registrars of the several Sub-Districts, formed as aforesaid, respectively.

7. The Local Government shall establish in every District an office to be styled the Office of the Registrar, and in every Sub-District an office to be styled the Office of the Sub-Registrar ;  
Offices of Registrar and Sub-Registrar.

And may amalgamate with any Office of a Registrar any Office of a Sub-Registrar.

8. The Local Government may also appoint officers to be called Inspectors of Registration Offices, and may from time to time prescribe the duties of such officers. Every such Inspector shall be subordinate to the Inspector General.

9. Every Military Cantonment where there is a Cantonment Magistrate, may, if the Local Government so directs, be, for the purposes of this Act, a Sub-District or a District, and such Magistrate shall be the Sub-Registrar or the Registrar, of such Sub-District or District, as the case may be.  
Military Cantonments may be declared Sub-Districts.

Whenever the Governor General in Council declares any Military Cantonment beyond the limits of British India to be a Sub-District or a District for the purposes of this Act, he shall also declare, in the case of a Sub-District, what authorities shall be Registrar of the District and Inspector-General, and in the case of a District, what authority shall be Inspector General, with reference to such Cantonment and the Sub-Registrar or Registrar thereof.

**10.** Whenever any Registrar other than the Registrar of a District including a Presidency Town is absent otherwise than on duty in his District, or when his office is temporarily vacant, any person whom the Inspector General appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's Office is situated, shall be the Registrar during such absence, or until the Local Government fills up the vacancy.

Whenever the Registrar of a District including a Presidency Town, is absent otherwise than on duty in his District, or when his office is temporarily vacant, any person whom the Inspector-General appoints in this behalf shall be the Registrar during such absence, or until the Local Government fills up the vacancy.

**11.** Whenever any Registrar is absent from his office on duty in his District, he may appoint any Sub-Registrar or other person in his District to perform, during such absence, all the duties of a Registrar, except those mentioned in sections sixty-eight and seventy-two.

**12.** Whenever any Sub-Registrar is absent, or when his office is temporarily vacant, any person whom the Registrar of the District appoints in this behalf shall be Sub-Registrar during such absence, or until the Local government fills up the vacancy.

Absence of Sub-Registrar or vacancy in his office.

See the Rules framed under the Act.

**13.** All appointments made under section ten, section eleven or section twelve, shall be reported to the Local Government by the Inspector-General. Such report shall be either special or general, as the Local Government directs.

Appointments under sections ten, eleven or twelve, to be reported to Local Government.

The Local Government may suspend, remove or dismiss any person appointed under the provisions of this Act, and appoint another person in his stead.

Suspension, removal and dismissal of Registering Officers.

**14.** Subject to the approval of the Governor-General in Council, the Local Government may assign such salaries as such Government from time to time deems proper to the registering officers appointed under this Act, or provide for their remuneration by fees, or partly by fees and partly by salaries.

Remuneration and establishments of Registering Officers.

The Local Government may allow proper establishments for the several offices under this Act.

**15.** The several Registrars and Sub-Registrars shall use a seal bearing the following inscription in English and in such other lan-

Seals of Registering Officers,

guage as the Local Government directs :—“The seal of the Registrar (or of the Sub-Registrar) of .”

**16.** The Local Government shall provide for the office of every Registering Officer the books necessary for the purposes of this Act.

Register books.

The books so provided shall contain the forms from time to time prescribed by the Inspector-General, with the sanction of the Local Government, and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

Forms.

The Local Government shall supply the Office of every Registrar with a fire-proof box, and shall in each District make suitable provision for the safe custody of the records connected with the registration of documents in such District.

Fire-proof boxes.

### PART III.

#### OF REGISTRABLE DOCUMENTS.

**17.** The documents next hereinafter mentioned shall be registered, if the property to which they relate is situate in a District in which, and if they have been executed on or after the date on which, Act No. XVI of 1864, or Act No. XX of 1866, or this Act, came or comes into force (that is to say) ;—

Documents of which the registration is compulsory.

(1) Instruments of gift of immoveable property :—



(2) Other instruments (not being wills) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immoveable property :

(3) Instruments (not being wills) which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest ; and

(4) Leases of immoveable property from year to year, or for any term exceeding one year, or reserving a yearly rent.

This Section defines the documents of which the registration is compulsory in order to their being operative, under Section 49. Speaking generally, registration is compulsory in the case of deeds of gift, and of all other instruments affecting immoveable property of the value of one hundred rupees and upwards, and of all leases for a term exceeding one year. For the exemption of settlement papers and documents executed by Government from compulsory registration, see Section 87.

Instruments of gift of immoveable property must be registered, whatever the value of the property. *Protana Kolita v. Mottea Kolita*. (1)

An agreement to deposit certain deeds and to execute a proper agreement is not a document coming within the meaning of cl. 2, Section 17, but one the registration of which is optional and which falls under the description in cl. 7, Section 18. *Cowie and others v. Chatty and others*. (2)

"It was not intended that compulsory registration under Section 13 of Act XVI of 1864 (which corresponded to this Section) should apply to deeds which are merely preliminary to the main contract or engagement, or that deeds which are steps in or mere parts of a transaction should be registered before they can be used as evidence." *Banwari Lal v. Sangam Lal*. (3)

(1) 11 W. R. 334. *Norman and E. Jackson* (3) 7 W. R. 280. *Norman and Seton-Karr*  
JJ.

(2) 11 W. R. 520. *Peacock C. J. and Mitter J.*

The same view was held in *Mark Ridded Currie v. S. V. Mutu Ramen Chetty*. (1)  
See also *Rdm Tanu Sircar v. Gour Chundra Sarma Sircar*. (2)

But it is to be observed that under this Act a lease by the definition (Section 3) includes an agreement to lease. This would appear to have been overlooked in the case of *Bhārabndth Khetttri v. Kishori Mohan Saha*. (3)

The clause relating to leases has no reference to the one that immediately precedes it, which refers to instruments not being deeds of gift or leases, in which a question of valuation comes in. So far as leases are concerned, the question is one of time and not of value. *Shaikh Umar v. Abdul Ghafur*. (4)

A distinct stipulation to that effect is not necessary to bind a person to cause registration of an instrument, the registration of which is compulsory by law. *Prabhuram Hazra v. T. M. Robinson*. (5)

Provided that the Local Government may by order published in the official Gazette, exempt from the operation of the former part of this section any leases executed in any District, or part of a District, the terms granted by which do not exceed five years and the annual rents reserved by which do not exceed fifty rupees.

A similar proviso was introduced into Act XX of 1866 to save the necessity for registering certain indigo leases, which, though for one season's crop only, extended over a portion of two years. By a Notification in the *Calcutta Gazette*, dated the 15th August 1866, leases of the nature described for a term of two years only, executed within the Districts of Gya and Shahabad, are exempted from the compulsory provisions of this Section.

Nothing in clauses (2) and (3) of this section applies

Exception of composition-deeds;

(a) to any composition-deed,

(1) 3 B. L. R. A c. 126. Peacock C. J. and Mitter J.

(3) 3 B. L. R. App. 1. Macpherson J.

(4) 9 W. R. 325. Macpherson & Glover, JJ.

(2) 3 W. R. 64. E. Jackson and Glover, JJ.

(5) 3 B. L. R., App. 49. L. S. Jackson and Markby JJ.

(b) to any instrument relating to shares in a Joint Stock Company, notwithstanding that the assets of such Company consist in whole or in part of immoveable property, or, and of transfers of shares and debentures in Land Companies.

(c) to any endorsement upon or transfer of any debenture issued by any such Company.

Authorities to adopt a son, executed after the first day of January 1872 and not conferred by a will, shall also be registered.

An Authority to adopt must bear a stamp of eight rupees under the General Stamp Act, Schedule II, Art. 31. The registration of authorities to adopt executed before the 1st January 1872 is optional, and the procedure will be regulated by Act XX of 1866. Such authorities may also be deposited under that law. See Section 2.

18. Any of the documents next hereinafter mentioned Documents of which the registration is optional. may be registered under this Act (that is to say),—

(1) Instruments (other than instruments of gift and wills) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees to or in immoveable property :

(2) Instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest :

(3) Leases of immoveable property for any term not exceeding one year, and leases exempted under section seventeen :

(4) Awards relating to immoveable property :

(5) Instruments which purport or operate to create, declare, assign, limit or extinguish any right, title or interest to or in moveable property :

(6) Wills :

(7) Acknowledgments, Agreements, Appointments, Articles of Partnership, Assignments, Awards, Bills of Exchange, Bills of Sale, Bonds, Composition-deeds, Conditions of Sale, Contracts, certified copies of decrees and orders of Courts, Covenants, Grants, Instruments of Dissolution of Partnership, Instruments of Partition, Powers of Attorney, Promissory Notes, Releases, Settlements, Writings of Divorcement, and all other documents not hereinbefore mentioned.

With regard to clauses 1 and 2, see Section 50.

The insertion of a covenant of renewal in a lease or *amalnama* for the term of one year does not thereby make it liable to be registered under Section 17. *Radhika Prasad Chandra v. Ram Sundar Kar.* (1)

Under the old law the registration of all decrees and orders of Court affecting immoveable property was compulsory, a memorandum of every such decree or order being furnished to the registering officer by the Court itself. This procedure has been abolished, and it is now left to the private parties to register any decree or order they may wish in the same manner as any other document of which the registration is optional. In regard to the procedure, however, under the present law, see Sections 23, 29, 32 and 35.

The registration of Powers of Attorney under Clause 7 is not to be confounded with their *authentication* for the purposes of this Act under Section 33.

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(1) 1 B. L. R. A. c. 7. *Fencock C. J.* and *Mitter J.*

32 & 33 Vic. Cap. 71, Sec. 83 (The Bankruptcy Act, 1869) cl. 8, runs as follows:—

“The certificate of appointment of a trustee shall for all purposes of any law in force in any part of the British dominions requiring registration, enrolment or recording of conveyances or assignments of property, be deemed to be a conveyance or assignment of property, and may be registered, enrolled and recorded accordingly.”

“Property shall mean and include money, goods, things in action, land and every description of property, whether real or personal; also obligations, easements, and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as above defined.”

**19.** If any document duly presented for registration be in a language which the Registering Officer does not understand, and which is not commonly used in the District, he shall refuse to register the document, unless it be accompanied by a true translation into a language commonly used in the District and also by a true copy.

Documents in language not understood by Registering Officer.

For the languages which are to be taken as commonly used in the several Districts of Bengal, see the Rules framed under this Act.

A Registering Officer cannot refuse to register a document which is in a language commonly used in the District, merely because he does not understand that language. But he apparently may register the document if he understands the language, even though it is not in common use.

For the mode of procedure in the case of documents presented under this Section, see Section 62.

**20.** The Registering Officer may in his discretion refuse to accept for registration any document in which any interlineation, blank, erasure or alteration appears, unless

Documents containing interlineations, blanks, erasures or alterations.

the persons executing the document attest with their signatures or initials such interlineation, blank, erasure or alteration. If he register such document, he shall, at the time of registering the same, make a note in the register of such interlineation, blank, erasure or alteration.

The importance of noting in the register the occurrence of interlineations, &c., in the original document, should not be overlooked.

**21.** (a) No document not testamentary relating to immoveable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same.

(b) Houses in towns shall be described as situate on the north or other side of the street or road (mentioning it) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered. Other houses and lands shall be described by their name, if any, and as being in the territorial division in which they are situate and by their superficial contents, the roads and other properties on which they abut, and their existing occupancies, and also, whenever it is practicable, by reference to a Government map or survey.

For the territorial divisions which are recognised under the Act, see the Rules framed under Section 69.

(c) No document not testamentary containing a map or plan of any property comprised therein, shall be accepted for registration unless it be accompanied by a true copy of the map or plan, or, in case such property is situate in several Districts, by such

number of true copies of the map or plan as are equal to the number of such districts.

See Sections 65, 66 and 67.

Ordinarily the number of copies of the map or plan will be equal to the number of districts in which the property is situated, but under Section 67, when a document is registered under Section 30 (b) and no portion of the property is situated in the Presidency Town, an extra copy will be required for record in the Calcutta office.

**22.** Failure to comply with the provisions contained in section twenty-one, clause (b), shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify such property.

Failure to comply with rules as to description of houses and land.

## PART IV.

### OF THE TIME OF PRESENTATION.

**23.** Subject to the provisions contained in sections twenty-four, twenty-five and twenty-six, no document required by section seventeen to be registered, and no document mentioned in section eighteen other than a will, shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution: or, in the case of a copy of a decree or order, within four months from the day on which the decree or order was made, or, where it is appealable, within four months from the day on which it becomes final:

Time for presenting documents, whether the registration is compulsory or optional.

Provided that, where there are several persons executing a document at different times, such document may be presented

for registration and re-registration within four months from the date of each execution.

It will be observed that the period allowed for the presentation of documents of which the registration is optional, has been extended from *two* months (under Act XX of 1866) to *four* months.

**24.** If owing to urgent necessity or unavoidable accident any document executed, or copy of a decree or order made, in British India is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registrar, in cases where the delay in presentation does not exceed four months, may direct that on payment of a fine not exceeding ten times the amount of the proper registration fee, such document shall be accepted for registration.

Provision where delay in presentation is unavoidable.

Any application for such direction may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

The penalty herein mentioned is inclusive of the ordinary fee for registration. Compare Section 70, and see the Rules framed under the Act.

**25.** When a document purporting to have been executed by all or any of the parties out of British India is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registering Officer, if satisfied, (1) that the instrument was so executed, and (2) that it has been presented for registration within four months after its arrival in British India, may, on payment of the proper registration fee, accept such document for registration.



**26.** Whenever a registration-office is closed on the last day of any period hereinbefore provided for the presentation of any document, such last day shall, for the purposes of this Act, be deemed to be the day on which the office re-opens.

**27.** A will may at any time be presented for registration or deposited in manner hereinafter provided.

## PART V.

### OF THE PLACE OF REGISTRATION.

**28.\*** Save as in this Part otherwise provided, every document mentioned in section seventeen, clauses (1), (2), (3) and (4), and section eighteen, clauses (1), (2), (3) and (4), shall be presented for registration in the office of a Sub-Registrar within whose Sub-district the whole or some portion of the property to which such document relates is situate.

The saving clause refers to Sections 30 and 31.

**29.** Every document other than a document referred to in section twenty-eight and a copy of a decree or order, may be presented for registration either in the office of the Sub-Registrar in whose Sub-District the document was executed, or in the office of any other Sub-Registrar under the Local Government at which all the persons executing and claiming under the document desire the same to be registered.

A copy of a decree or order may be presented for registration in the office of the Sub-Registrar in whose Sub-District

strict the original decree or order was made; or, where the decree or order does not affect immoveable property, in the office of any other Sub-Registrar under the Local Government at which all the persons claiming under the decree or order desire the copy to be registered.

When the decree or order affects immoveable property, the probability is that some portion of the property at any rate is situated within the sub-district in which such decree or order is made, but this will not always be the case. But whether or not any portion of the property is situated in his own Sub-District, the Sub-Registrar is probably in every case bound to proceed as directed in Sections 64 and 65.

**30.** (a) Any Registrar may in his discretion receive Registration by Registrar. and register any document which might be registered by any Sub-Registrar subordinate to him.

(b) The Registrar of a District including a Presidency Registration by Registrar at Presidency Town. Town may receive and register any document referred to in section twenty-eight without regard to the situation in any part of British India of the property to which the document relates.

There is no appeal against an order refusing to exercise the authority given by this Section. *Sarkies v. Sangram Singh*, (1) and see Section 71.

**31.** In ordinary cases the registration or deposit of documents under this Act shall be made only at the office of the officer whose duty it is to register the same.

Registration or acceptance for deposit at private residence. But such officer may, on special cause being shown, attend at the residence of any person intending to register any document which would ordinarily be registered at such office,

or of any person desiring to deposit a will, and register or accept for registration or deposit such document or will.

For "special cause" a Registering Officer may attend at a private residence to register or accept for registration any document which would *ordinarily* be registered in his office, or to accept a will for deposit under Section 42. The word 'ordinarily' seems to point to Sections 28 and 29. It is to be observed that this duty cannot be delegated to another.

## PART VI.

### OF PRESENTING DOCUMENTS FOR REGISTRATION.

**32.** Except in the case mentioned in section thirty-one, every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper Registration Office, by some person executing or claiming under the same; or, in the case of a copy of a decree or order, claiming under the decree or order; or by the representative or assign of such person; or by the agent of such person, representative or assign, duly authorized by power of attorney executed and authenticated in manner hereinafter mentioned.

**33.** For the purposes of section thirty-two, the powers of attorney next hereinafter mentioned shall alone be recognized (that is to say),—

Powers of attorney recognizable for purposes of Section 32.

(a) if the principal at the time of executing the power of attorney resides in any part of British India, in which this Act is for the time being in force, a power of attorney executed before and authenticated by the Registrar or Sub-Registrar within whose District or Sub-District the principal resides;

(b) if the principal at the time aforesaid resides in any other part of British India, a power of attorney executed before and authenticated by any Magistrate :

(c) if the principal at the time aforesaid does not reside in British India, a power of attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India.

It is important to observe that the law requires the power not only to be authenticated by, but also to be *executed before*, a Notary Public, &c.

Provided that the following persons shall not be required

Proviso as to persons infirm, or in jail, or exempt from appearing in Court.

to attend at any Registration Office or Court for the purpose of executing any such power of attorney as is mentioned in clauses (a) and (b) of this section :—persons who by reason of bodily infirmity are unable without risk or serious inconvenience ~~so~~ to attend ; persons who are in jail under civil or criminal process ; and persons exempt by law from personal appearance in Court.

In every such case the Registrar or Sub-Registrar or Judge (as the case may be), if satisfied that the power of attorney has been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at the office or court aforesaid.

To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Judge may either himself go to the house of the person purporting to be the principal, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

Any power of attorney mentioned in this section may be proved by the production of it without further proof, when it purports on the face of it to have been executed before and authenticated by the person or court hereinbefore mentioned in that behalf.

All powers of attorney which are intended to be used for registration purposes, must be executed in the presence of a certain public officer, according as the case falls under clause (a), (b) or (c). If the principal does not appear personally before such officer, other evidence of the execution of the power cannot be received by him, except in the cases detailed in the proviso to this Section. In these cases it is not absolutely imperative upon the Registrar, Sub-Registrar or Judge to visit a private residence or jail or to issue a commission, if he is otherwise satisfied of the fact of the voluntary execution of the power.

Persons exempt by law from personal appearance in court are women who, according to the custom and manners of the country, ought not to be compelled to appear in public (Section 21 of Act VIII of 1859), and native gentlemen who have been specially exempted by Government under section 22 of the same Act.

Regarding the form of authentication, &c., see the Rules framed under this Act.

Powers of attorney will of course not be authenticated unless they are stamped in accordance with the Stamp Law for the time being in force. When a power is insufficiently stamped, the registering officer will proceed under Section 23 of the General Stamp Act, 1869. For the stamp duty chargeable on powers of attorney, see Schedule II of that Act, Arts. 13, 18, 19 and 32.

### 34. Subject to the provisions contained in this Part and

in sections forty-one, forty-three, forty-five, sixty-nine, seventy-six and eighty-six, no document shall be registered under this Act, unless the persons executing such document, or their representatives, assigns or agents authorized as aforesaid, appear before the registering officer within the time allowed for presentation :

Enquiry before registration by the registering officer.

Provided that if owing to urgent necessity or unavoidable accident all such persons do not so appear, the Registrar, in cases when the delay in appearing does not exceed four months, may direct that on payment of a fine not exceeding ten times the amount of the proper registration fee, the document may be registered.

Such appearances may be simultaneous or at different times.

The registering officer shall thereupon (a) enquire whether or not such document was executed by the persons by whom it purports to have been executed, (b) satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document, and (c) in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

It is to be observed that admission of execution must henceforth be made within the time allowed for presentation. Section 26 must also be held to apply in these cases.

The Registering Officer to whom a deed is presented for registration has nothing whatever to do with its recitals, or its possible operation as regards third parties who are not parties to it. *Matukdhari Lal v. Shaikh Fazl Husain*. (1) He has no power to refuse to register a deed, on the ground that the full consideration therein mentioned has not been paid. *Brindaban Chandra Saha & Nabadwip Chandra Saha*. (2)

**35.** If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the persons they represent themselves to be, and if they all admit the execution of the document; or, in the case of any person appearing

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(1) 6 W. R. Misc. Rul. 131.

(2) 1 B. L. R. o. c. 47. Norman J.

by a representative, assign or agent, if such representative, assign or agent admits the execution ; or, if the person executing the document is dead, and his representative or assign appears before the registering officer and admits the execution, the registering officer shall register the document as directed in sections fifty-eight to sixty-one inclusive.

The registering officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine any one present in his office.

If all or any of the persons by whom the document purports to be executed deny its execution; or if any such person appears to be a minor, an idiot, or a lunatic, or if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution, the registering officer shall refuse to register the document.

Nothing in section thirty-four, or the former part of this section, applies to copies of decrees or orders.

In *Guru Dds Datta v. Dwarkanath Mdn* (1) it was ruled that the Registrar was clearly right in refusing to register when the parties would not attend and did not consent to the registration.

## PART VII.

### OF ENFORCING THE APPEARANCE OF EXECUTANTS AND WITNESSES.

**36.** If any person presenting any document for registration desires the appearance of any person whose presence or testimony is necessary for the registration of such

Procedure where appearance of executant or witness is desired.

document, the registering officer may, in his discretion, call upon such officer or court as the local Government from time to time directs in this behalf, to issue a summons requiring him to appear at the registration office, either in person or by duly authorised agent as in the summons may be mentioned, and at a time named therein.

**37.** The Officer or Court, upon receipt of the peon's fee payable in such cases, shall issue the summons accordingly, and cause it to be served upon the person whose appearance is so required.

Officer or Court to issue and cause service of summons.

**38.** A person who by reason of bodily infirmity is unable without risk or serious inconvenience to appear at the registration office, a person in jail under civil or criminal process, and persons exempt by law from personal appearance in court, and who would, but for the provision next hereinafter contained, be required to appear in person at the registration office, shall not be required so to appear.

Persons exempt from appearance at registration office.

In every such case, the registering officer shall either himself go to the house of such person, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

**39.** The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before civil courts, shall, save as aforesaid and *mutatis mutandis*, apply to any summons or commission issued, and any person summoned to appear, under the provisions of this Act.

Law as to summonses, commissions and witnesses in this Act.



## PART VIII.

## OF PRESENTING WILLS AND AUTHORITIES TO ADOPT.

**40.** The testator or any person claiming as executor or otherwise under a will, may present it to any Registrar or Sub-Registrar for registration, and the donor or donee of any authority to adopt, or the adoptive son, may present it to any Registrar or Sub-Registrar for registration.

Persons entitled to present wills and authorities to adopt.

It would seem that the persons herein mentioned cannot appear by agent.

**41.** A will or an authority to adopt, presented for registration by the testator or donor, may be registered in the same manner as any other document.

Registration of wills and authorities to adopt.

A will or authority to adopt presented for registration by any other person entitled to present it, shall be registered if the registering officer is satisfied, (1) that the will or authority was executed by the testator or donor, as the case may be, (2) that the testator or donor is dead, and (3) that the person presenting the will or authority is, under section forty, entitled to present the same.

## PART IX.

## OF THE DEPOSIT OF WILLS.

**42.** Any testator may either personally or by duly authorized agent deposit with any Registrar the will in a sealed cover superscribed with the name of the depositor and the nature of the document.

Deposit of wills.

Only sealed covers containing *wills* can be deposited under this Act. The registration of authorities to adopt is now compulsory. See Section 17 and note to Section 2.

It is to be observed that a will can only be *deposited* by the testator. But any person claiming under it may present it *open* for registration (Section 40).

**43.** On receiving such sealed cover, the Registrar, if satisfied that the depositor is the testator or his duly authorized agent, shall transcribe in his Register Book No. 5 the superscription on such sealed cover, and note in the Register and on the sealed cover the year, month, day and hour of such presentation and receipt, together with the name of the depositor, and the name of each of the persons testifying to the identity of such depositor, and the inscription so far as it is legible on the seal of the cover.

The Registrar shall then place and retain the sealed cover in his fire-proof box.

**44.** If the depositor of any such sealed cover wishes to withdraw it, he may apply to the Registrar with whom it has been so deposited for the delivery of the cover; and the Registrar, if satisfied as to the identity of the depositor or with the applicant, shall deliver the cover accordingly.

**45.** If, on the death of the depositor of a sealed cover under section forty-two, application be made to the Registrar with whom it has been deposited to open the same, the Registrar, if satisfied that the depositor is dead, shall, in the applicant's presence, open the cover, and copy, at the applicant's expense, the contents thereof in his Book No. 3.

When such copy has been made, the Registrar shall  
Re-deposit. re-deposit the original will.

It is not necessary that the applicant should be a claimant under the will. The Registrar should not part with the will after the death of the depositor otherwise than by order of the Court. *In the goods of Nagindas (deceased).* (1)

**46.** Nothing hereinbefore contained shall affect the provisions of the Indian Succession Act, 1865, section 259. section two hundred and fifty-nine, or the power of any Court by order to compel the production of any will. But whenever any such order is made, the Registrar shall copy the will in his Book No. 3, and make a note on such copy that the original has been removed into Court in pursuance of the order aforesaid.

"The High Court on the Original Side has decided that, under Section 237 of the Succession Act, a Registrar must deliver up a deposited Will to the Court when application is made for probate, and, of course, after probate, the document becomes a record of, and would be preserved by, the Court. And in the same way a District Judge, after admitting a Will to probate, must keep it among the records of his Court, whether it has been registered or not." Extract from an Opinion of the Advocate-General, dated 24th August 1867. But if the Will is required by a Court for inspection only, it should be returned to the Registrar for re-deposit.

If the cover has not already been opened under Section 45, the Registrar is of course authorized to break the seal in order to copy the contents.

## PART X.

### OF THE EFFECTS OF REGISTRATION AND NON-REGISTRATION.

**47.** A registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration.

Time from which registered document operates.

**48.** All documents not testamentary, duly registered under this Act, and relating to any

Registered documents relating to property when to take effect against oral agreements.

property, whether moveable or immoveable, shall take effect against any oral agreement or declaration relating

to such property, *unless where the agreement or declaration has been accompanied or followed by delivery of possession.*

The words in italics are a new provision in the present law, in accordance with *Selam Shaikh v. Baidonath Ghatak* (1) and *Narsingh Porkaet v. Mussamat Bewa.* (2)

**49.** No document required by section seventeen to be registered, shall affect any immoveable

Effect of non-registration of documents required to be registered.

property comprised therein, or confer any power to adopt, or be received as

evidence of any transaction affecting such property or conferring such power, unless it has been registered in accordance with the provisions of this Act.

This Section declares the consequences of omission to register the documents of which the registration is compulsory under Section 17. These documents are—deeds of gift and all other instruments affecting immoveable property of the value of one hundred rupees and upwards, leases for a term exceeding one year, and authorities to adopt executed after 1st January 1872. By this Section such documents are declared to be invalid as regards the property with which they purport to deal or the power to adopt, and they are debarred from being received in evidence of any transaction affecting such property or conferring such power.

In *Shaikh Rahmatullah v. Shaikh Shariatullah* (3) the plaintiff brought a regular suit to establish his title to certain immoveable property under a bill of sale, of which registration had been refused in consequence of the defendant's objections. A Full Bench held (Mitter J. dissenting) that the suit would not lie. The unregistered deed could not be admitted in evidence, nor could parol evidence be given of the contract under which A. alleged that he acquired his

(1) 3 B. L. R., A. C. 312. L. S. Jackson and Markby, JJ.

(3) 1 B. L. R., F.B. 58.

(2) 5 B. L. R., App. 86. L. S. Jackson and Mitter, JJ.

title. *A* ought to have proceeded under Section 83 of the Act (XX of 1866). So in *Shankar Bápú v. Vishnu Nardán* (1), which was a suit brought against a principal and two sureties to recover the amount advanced on a bond by which certain<sup>o</sup> immoveable property was mortgaged, one of the sureties contended that he was discharged from his liability in consequence of the plaintiff's neglect to have the bond registered; and this plea was held to be valid, as for want of registration the mortgage bond could not be admitted in evidence to prove the contract. And where a lease was inadmissible in evidence, because it had not been registered, it was held that secondary evidence of its execution could not be given. *Musammát Qabílan v. Shamshtir Ali*. (2)

But if the execution of the lease were admitted, its non-registration would be no bar to the decision of the suit on its merits. In *Saiad Rezá Ali v. Bhikan Khán* (3) the defendant in a suit for rent admitted the plaintiff's right as landlord and did not dispute the correctness of the rent, but pleaded payment. It was held that the non-registration of the *kabúliyat* was no ground for dismissing the suit, which could have proceeded, whether the *kabúliyat* was or was not produced. The objection as to non-registration could only arise when the document was tendered in evidence on any disputed point. So in a suit upon a *rázinama* of which the execution was admitted by the defendants, and which purported to create an interest in immoveable property, the Civil Judge had dismissed the suit, because the document had not been registered in accordance with Act XVI of 1864, Section 13; but the Madras High Court held that, the existence of the agreement not having been disputed, its production was not necessary, and that the plaintiff was entitled to whatever relief the effect of the plaint and answer taken together would entitle him to on the admission of the defendant. *Chedambaram Chetty v. Karunalyavalangapuly Taver*. (4)

This Section does not contemplate the compulsory registration of a deed which is merely preliminary to the main contract, as an agreement to sell certain property. See note to Section 17.

But documents of the compulsory class, though requiring to be registered in order to be operative as regards immoveable property, are nevertheless admissible in evidence to prove the receipt of money, or for any other purpose for which registration is unnecessary. The wording of the section has been amended to this effect in accordance with the following decisions. *Lachmipat*

- (1) 4 Bombay H. C. Reports, A. C. J. 70. (4) 3 Madras H. C. Reports, 342. Holloway and Ellis JJ., citing *Huddleston v. Biscoe*, 11 Vesey 583.  
 (2) 11 W. R. 18. Kemp and Glover, JJ.  
 (3) 7 W. R. 331. Loch & L. S. Jackson, JJ.

*Singh Dugar v. Mirza Khairat Ali.* (1) *Sham Narayan Lal v. Khimajit Matoe.* (2) See also *Shib Prasad Das v. Anna Purna Dayi.* (3) *Nimadhab Singh Dás v. Fateh Chand Sahu.* (4) *Uday Chand Jana v. Nitai Mandal.* (5) *Butto Kristo Das v. Khettra Chandra Bhattacharjya.* (6) *Gopal Prasad v. Nandarani.* (7)

A deed by which a defendant covenanted to pay monthly a certain sum "for the use and hire of a steam-engine, boiler and machinery shed and a bungalow," was considered to have demised the land also and thereupon to be inadmissible in evidence unless registered. *Winterscale v. Gopal Chandra Seal.* (8)

If the plea as to the inadmissibility of the evidence for want of registration is not specifically taken in the lower court, it cannot be allowed in special appeal. *Grish Chandra Roy Chaudhuri v. Srimati Amina Khatun.* (9)

"If a purchaser agrees to purchase and pays down the purchase money, taking an agreement from the vendor that if he does not register the conveyance he will return the purchase money, the purchaser is entitled to receive his purchase money back if the vendor fails to register the conveyance." *Peacock C. J. in Court of Wards v. Nitya Kali Debya.* (10)

## 50. Every document of the kinds mentioned in clauses

Registered documents (1) and (2) of section eighteen, shall, relating to immoveables, if duly registered, take effect as regards the property comprised therein, against every unregistered document relating to the same property, and not being a decree or order, whether such unregistered document be of the same nature as the registered document or not.

*Explanation.*—In cases where Act No. XVI of 1864 or Act No. XX of 1866 was in force in the place and at the

(1) 4 B. L. R., F. B. 18.

(2) 4 B. L. R., F. B. 1.

(3) 3 B. L. R., A. c. 451. *Kemp and Markby, JJ.*

(4) 3 B. L. R., A. c. 310. *Norman and E. Jackson, JJ.*

(5) 9. W. R. 111. *Peacock C. J. and Mitter J.*

(6) 6 B. L. R., App. 69. *Phear J.*

(7) 1 B. L. R., A. c. 102. *Kemp and E. Jackson, JJ.*

(8) 3 B. L. R., o. c. 90. *Peacock C. J. and Macpherson J.*

(9) 3 B. L. R. App. 125. *Bayley and Hobhouse, JJ.*

(10) 3 B. L. R., A. c. 353, *Peacock C. J. and Mitter J.*

time in and at which such unregistered document was executed, "unregistered" means not registered according to such Act, and, where the document is executed after the first day of July 1871, not registered under this Act.

The practical distinction between the two classes of deeds, viz., those of which the registration is compulsory under Section 17, and those of which the registration is optional under Section 18, Clauses 1 and 2, amounts to this, that the former, if unregistered, are altogether inoperative as regards any immoveable property mentioned therein, while the latter are perfectly valid and may be received in evidence notwithstanding the want of registration, though they must give way to registered documents relating to the same property. *Maniur Ali v. Azmat Ali*. (1) See also *Guru Dás Dán K. sum Kumart Dast*. (2) In *Mufazzal Husain v. Ghulam Ambiah* (3) it was held that an unregistered contract of sale, though not such as absolutely to require registration under Section 49 in order to be admissible in evidence, yet sufficiently complete to pass rights of property from the vendor to the purchaser, cannot have any priority over another authentic instrument of conveyance executed subsequently and duly registered.

The deeds need not be of the same nature. *Gayaram Majumdar v. Madhusudan Majumdar*. (4)

It will be observed that there is no mention of leases (Section 18, Clause 3) in this Section as in the corresponding Section of Act XX of 1866.

This Section will not be allowed to sanction fraud. In a suit for possession and ejectment grounded upon a registered deed of sale, it was held that the mere fact of the deed being registered gave it no priority over an earlier unregistered deed, inasmuch as the plaintiff's conduct in collusion with his vendor was found to be fraudulent *Bhikdari Singh v. Kanhaya Lal*. (5) But the Judge must record a distinct finding of fraud, with the grounds on which it proceeds, before he gives priority to an unregistered deed on this account. *Gowri Kant Ray v. Giridhur Ray*. (6) And collusion cannot be pleaded if the first conveyance is only an unregistered contract to sell. *Shamachurn Neogee v. Nobin Chandra Dhuba*. (7)

(1) 9 W. R. 282. Loch and Mitter, JJ.

(5) 14 W. R. 24. Bayley and Markby, JJ.

(2) 9 W. R. 547. Kemp and E. Jackson, JJ. (6) 4 B. L. R., A. C. 8. Glover and Mitter, JJ.

(3) 10 W. R. 196. Phour and Hobhouse, JJ. (7) 6 B. L. R. App. 1 Markby and Mitter, JJ.

(4) 4 B. L. R. App. 73. Kemp and E.

Jackson, JJ.

So in *Ramchand Kúmar v. Madhusúdan Majumdar* (1) it was laid down that, in order to prevent the operation of this Section, it is necessary to show that the registered deed was fraudulently executed, and that the purchaser was wilfully and intentionally a party to the fraud of the vendor, or at least that the second deed was executed without valuable consideration. See also *Gobind Chandra Roy v. Purna Chandra Sen.* (2) *Srinath Charn Das v. Dwarkanath Ghose.* (3) But although an instrument may have been duly registered under this Act, it will not take effect against an unregistered instrument executed before the 1st January 1865 merely by reason of the registration. This Section is not to be construed as vitiating all titles acquired prior to the passing of the Act, unless the instruments on which they rest have been registered. Had such been the case, the registration of old deeds would have been made compulsory, and it would have been declared expressly that, unless registered, instruments registered under this Act would take effect against them. *Grija Singh v. Gridhári Singh.* (4)

In that case, the purchaser under the prior deed was found to have been in possession under it for eleven years, and the question therefore was not perhaps fairly tried as between an unregistered deed executed prior to 1865, and a later deed duly registered under the present law. The decision in *Dutal Bibi v. Nadir Shaha* (5) however, is to the same effect, and clearly lays down the principle that documents registered under the Acts of 1864 and 1866 have no priority as against documents executed before the former of those Acts came into force. At the same time it should be borne in mind that had Act XVI of 1864 never been passed, a later registered conveyance would have taken effect against a prior unregistered conveyance. The result is curious.\* Priority was given to registered over unregistered documents executed before 1st January 1865. The same principle holds good in regard to documents executed on or after that date. But a document executed after 1st January 1865 has no priority over a document executed before that date.

The old law affecting the priority of registered over unregistered deeds was laid down in Act XIX of 1843, Section 2.\* The following decisions on the subject may be found useful.

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| (1) 7 W. R. 119. Norman and Markby, JJ.  | (4) 1 B. L. R. A. c. 14. Bayley and Maopherson, JJ. |
| (2) 10 W. R. 36. Phear and Hobhouse, JJ. |   |
| (3) 14 W. R. 318. Loch and Hobhouse, JJ. | (5) 18 W. R. 446. Couch C. J. and Kemp J.           |

\* And it is hereby enacted, that from the first day of May last past, every deed of sale or gift of lands, houses, or other real property, a memorial of which has been or shall be duly registered according to law, shall, provided its authenticity be established to the satisfaction of the Court, invalidate any other deed of sale or gift of the same property which may not have been registered, and whether such second or other deed shall have been



If a vendor sells the same property to two parties, and it is found that they both bought *bonâ fide*, the second conveyance, if registered, will take precedence of a former conveyance which has not been registered. *Saiad Nazar Ali v. Saiad Imdad Ali*. (1) See also *Muleshapa bin Kurvirapa v. Busapa bin Ningapa Shetowneker*. (2) Similarly the title acquired by purchase at a sale in satisfaction of a registered mortgage has precedence over a similar title acquired at a sale in satisfaction of an unregistered mortgage, although the latter mortgage may be of an earlier date. *Prahlad Misr v. Udit Narain Singh*. (3) Nor can a person claim under a prior verbal contract to the detriment of a party holding *bonâ fide* under a subsequent registered deed. *Kailâs Chandra Chatarji v. Gopal Chandra Chatarji*. (4) But owing to the peculiar wording of Act XIX of 1843, a registered deed of sale does not take effect against a prior unregistered mortgage. *Maharaja Moheshwar Bakhsh Singh v. Bhikha Chaudhuri*. (5) The case of *Ganpat Bajashet v. Khanda Changshet* (6) however, is to the opposite effect, and in *Sundar Jagjivan v. Gopal Eshvant* (7) it was ruled that a registered mortgagee, although without possession, was entitled to priority over a subsequent unregistered purchaser. See also *Pursotum Runchord v. Jagjivan Mayaram*. (8) The two former decisions may, like the last, have been grounded on the wording of Section 6, Regulation IX of 1827 of the Bombay Code.

It will be observed that the Act gave this precedence to a registered deed, notwithstanding that notice of the prior deed was proved. See *Krishnasami Pillai v. Venkatachella Aiyar*. (9) "Until the passing of the repealed Act I of 1843, Clause 3, Section 6, Regulation 17 of 1802\* subjected the Indian Regu-

executed prior or subsequent to the registered deed; and that from the said day every deed of mortgage on land, houses and other real property, as well as certificates of the discharge of such incumbrances, a memorial of which has been or shall be duly registered according to law, and provided its authenticity be established to the satisfaction of the Court, shall be satisfied in preference to any other mortgage on the same property which may not have been registered, and whether such second or other mortgage shall have been executed prior or subsequent to the registered mortgage, any knowledge or notice of any such unregistered deed or certificate alleged to be had by any party to such registered deed or certificate notwithstanding. Provided always, that nothing in this Section contained shall be construed to extend to any deed or certificate made before the said first day of May last past.

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| (1) 1 W. R. 208. Kemp and Glover, JJ.                                   | (6) 4 Bombay H. C. Reports, A. C. J. 69.                 |
| (2) 1 Bombay H. C. Reports, 10.   | Couch C. J. and Warden J.                                |
| (3) 1 B. L. R. A. C. 197. Peacock C. J. and Mitter J.                   | (7) 4 Bombay H. C. Reports, A. C. J. 68.                 |
|   | Couch C. J. and Warden J.                                |
| (4) 1 W. R. 78. Trevor and Campbell, JJ.                                | (8) 1 Bombay H. C. Reports, 60.                          |
| (5) 5 W. R. 61. Peacock C. J., Bayley, Norman, Fundit and Campbell, JJ. | (9) 3 Madras H. C. Reports 89. Holloway and Collett, JJ. |

\* Corresponding with Clause 3, Section 6, Regulation 36 of 1793 of the Bengal Code.

lation to the construction put by Lord Hardwicke in *Le Neve v. Le Neve* (2 W. T. L. C. 23) upon the English Act. The construction was that the Act was made for the protection of *bond fide* purchasers, that he who takes with notice is a *mala fide* purchaser, and the Registry Act will not, therefore, give him priority over the purchaser under an unregistered conveyance prior in point of time. Several eminent Judges, Sir W. Grant in *Wyatt v. Barwell* (19 Ves. 435), and Sir J. Romilly, M. R., in *Ford v. White*, (16 Bea. 120) have lamented that the policy of the Registry Act was so infringed by this decision. The doctrine of that case was, however, embodied in the original Regulation, but the Clause containing it was expressly repealed by Act I of 1843, and Act XIX of 1843, which repealed Act I of 1843, expressly provided in Section 2, in language quite unmistakeable, that a registered deed of sale, though subsequent in date, should invalidate a prior deed of sale unregistered, and further went on to provide that it should do so despite any knowledge or notice alleged to be had by any party to such unregistered deed. The meaning is perfectly clear though the language is not free from objection. By invalidating the deed, of course, is meant invalidating it as against the registered purchaser, and the effect therefore is to do what the Irish Act is decided to have done, give to each deed priority according to its appearance on the register. (*Bushell v. Bushell* 1 Sch. & Lef. 98.)

And the words "any knowledge of notice of such unregistered deed or certificate alleged to be had by any party to such registered deed or certificate notwithstanding," refer not only to the mortgages and certificates mentioned in that part of the Section which immediately precedes these words, but extends also to the deeds of sale or gift which are mentioned in the earlier part of the Section. *Srinath Bhattacharjya v. Ramkomal Ganguli*. (1)

But Act XIX of 1843 was not intended to give a registered deed priority over a previous unregistered deed, under which enjoyment had actually taken place. *Saiad Farzand Ali v. Saiad Abdur Rahim*. (2) And see *Bhairab Chandra Misra v. Ramchandra Bhattacharjya*. (3) A registered *kibala* would have no legal advantage over a previous unregistered *kibala*, if it could be shown that the vendor had not only sold and parted with his rights in the property, but had also made over possession to the first purchaser. *Musammât Batul v. Musammât Wasiran*. (4) Nor will a registered sale invalidate an unregistered sale of an earlier date, when the original vendor is dead, and the second vendors are the persons who, but for the first sale, would have inherited the property.

(1) 3 W. R. Priv. Co. 43.

(3) 1 Hay 261.

(2) 4 W. R. 30. *Steer and Phear, JJ.* (4) 8 W. R. 300. *L. S. Jackson and Hobhouse, JJ.*

*Ambikacharan Kundu v. Dharm Das Kundu*. (1) See also *Inrit Singh v. Kailas Kunwar*. (2) And in *Hirachand Babaji v. Bhaskar Ababhat Shende* (3) it was held that a mortgagee in possession could recover the amount of his mortgage in preference to a subsequent purchaser of the same property under a registered deed. The principle in all these cases seems to be that non-registration cannot prejudice a title-deed, under which possession has actually been acquired before the execution of the second transaction. The following case would seem to be to the contrary effect. In *Parabhudas Hirachand v. Dhondu* (4) it was held that the preference given under Act XIX of 1843 to the latter of two deeds of sale of immoveable property, when registered, over the earlier unregistered deed, is not confined to cases in which the first deed has not been carried into effect; as every duly registered deed of sale, if authentic, invalidates any other deed of sale which may not have been registered. But in this case it is to be remarked that the fact of possession appears to have been disputed. See, however, *Harnamgir Guru Dhanpatgir v. William Spiers* (5) in which it was ruled that a registered *miraspatra* was entitled to precedence over an unregistered *miraspatra* of a prior date accompanied with possession.

And this provision of the statute law has not been allowed to sanction fraud. The benefit of priority over an unregistered deed of sale does not extend to a document which, although in form a deed of sale, is in truth a fraudulent deed of gift. *Nitya Gopal Chandra v. Dwarkanath Mallik*. (6) The words "provided its authenticity be established to the satisfaction of the Court" in Section 2, Act XIX of 1843, point not merely at the exclusion of a forged deed from the benefit of the Act, but of a deed tainted by fraud, although in other respects genuine. *Srinath Bhattacharya v. Ramkomal Ganguli*. (7) See also *G. Narasanna v. R. Gavappa*. (8) Registration is a condition without which a genuine transaction may be made invalid; not a means whereby a fictitious and fraudulent transaction may be rendered operative.

In *Fakirchand Govindram v. Kahanadas Bhagvandas* (9) the question arose whether a certificate of sale was a document of such a character as to be entitled to priority by virtue of registration over an unregistered lease. It was ruled that such a certificate came within the class of documents described in Regulation IX of 1827, Section 3, Clause 2, as "judicial processes," which

(1) 11 W. R. 129. L. S. Jackson and Markby, JJ.

(2) 11 W. R. 559.

(3) 2 Bombay H. C. Reports, 207.

(4) 2 Bombay H. C. Reports, 233.

(5) 2 Bombay H. C. Reports, 213.

(6) 1 W. R. 314. Morgan and Pundit, JJ.

(7) 3 W. R. Priv. Co. 43.

(8) 3 Madras H. C. Reports, 270.

(9) 3 Bombay H. C. Reports, A. C. J. 167.

may at the option of the holder be registered, but the force and effect of which "are in no way to depend on their being registered."

It may be observed, however, that Act XIX of 1843 does not apply to the case of a lease. *Anand Chandra Chaudhuri v. Chhandranáth Ráy* (1).

## PART XI.

### OF THE DUTIES AND POWERS OF REGISTERING OFFICERS. •

#### (A.) *As to the Register Books and Indexes.*

**51.** The following Books shall be kept in the several Register Books to be offices hereinafter named (that is to kept in the several offices. say),—

In all Registration Offices—

Book 1, "Register of documents relating to immoveable property :"

Book 2, "Record of reasons for refusal to register :"

Book 3, "Register of wills and authorities to adopt ;" and

Book 4, "Miscellaneous Register."

In the Offices of Registrars—

Book 5, "Register of deposits of wills."

In Book 1 shall be entered or filed all documents or memoranda registered under the first four clauses of sections seventeen and eighteen, and all other documents mentioned in section eighteen, clause (7), which relate to immoveable property.

In Book 4 shall be entered all documents registered under clauses (5) and (7) of section eighteen, and not entered in Book 1.

Nothing in the former part of this section shall be deemed to require more than one set of books where the Office of a Registrar has been amalgamated with the Office of a Sub-Registrar.

**52.** The day, hour and place of presentation, and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it; a receipt for such document shall be given by the registering officer to the person presenting the same; and, subject to the provisions contained in section sixty-two, every document admitted to registration shall without unnecessary delay be copied in the Book appropriated therefor according to the order of its admission.

(Endorsements on document presented.

Receipt for document.

Documents admitted to registration to be copied.

And all such books shall be authenticated at such intervals and in such manner as is from time to time prescribed by the Inspector General.

**53.** All entries in each Book shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

Entries to be numbered consecutively.

Copies and memoranda of documents originally registered elsewhere, however, will have a distinct series of their own.

**54.** In every office in which any of the books hereinbefore mentioned are kept, there shall be prepared current indexes of the contents of such books; and every entry in such indexes

Current indexes and entries therein.

shall be made, so far as practicable, immediately after the registering officer has copied, or filed a memorandum of, the document to which it relates.

**55.** Two such indexes shall be made in all registration offices, and shall be named, respectively, Index No. I and Index No. II. •

Index No. I shall contain the names and additions of all persons executing, and of all persons claiming under every document copied into, or memorandum filed in, Book No. 1 or Book No. 3.

Index No. II shall contain such particulars mentioned in section twenty-one, relating to every such document and memorandum, as the Inspector General from time to time directs in that behalf.

A third Index to be called Index No. III shall contain the names and additions of all persons executing and of all persons claiming under every document copied into Book No. 4. •

Indexes Nos. I, II and III shall contain such other Extra particulars in Indexes. such form, as the Inspector General from time to time directs.

**56.** Every Sub-Registrar shall send to the Registrar to whom he is subordinate, at such intervals as the Inspector General from time to time directs, a copy of all entries made by such Sub-Registrar during the last of such intervals in Indexes Nos. I and II.

Such copy to be filed in Registrar's office.

Every Registrar receiving such copy shall file it in his office.

**57.** Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1 and 2 and the indexes relating to Book No. 1 shall be at all times open to inspection by any person applying to inspect the same; and, subject to the provisions of section sixty-two, copies of entries in such books shall be given to all persons applying for such copies.

Subject to the same provisions, copies of entries in Books Nos. 3 and 4 and in the indexes relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer; but the requisite search for such entries shall be made only by the registering officer.

Such copies shall be signed and sealed by the registering officer, and shall be admissible for the purpose of proving the contents of the original documents.

*(B.) As to the procedure on admitting to registration.*

**58.** On every document admitted to registration, other than a copy of a decree or order, there shall be endorsed from time to time the following particulars (that is to say),—

(1) the signature and addition of every person admitting the execution of the document; and, if such execution has been admitted by the representative, assign or agent of any

person, the signature and addition of such representative, assign or agent ;

(2) the signature and addition of every person examined in reference to such document under any of the provisions of this Act ; and

(3) any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution.

If any person admitting the execution of a document refuses to endorse the same, the registering officer shall nevertheless register it, but shall at the same time endorse a note of such refusal.

**59.** The Registering Officer shall affix the date and his signature to all endorsements made under the last preceding section, relating to the same document and made in his presence on the same day.

Such endorsements to be dated and signed by registering officer.

It will be observed that the endorsements must be made *in the presence* of the registering officer.

**60.** After such of the provisions of sections thirty-four, thirty-five, fifty-eight, and fifty-nine as apply to any document presented for registration have been complied with, the registering officer shall endorse thereon a certificate containing the word "registered," together with the number and page of the Book in which the document has been copied.

Certificate showing that document has been registered, and number and page of Book in which it has been copied.



Such certificate shall be signed, sealed and dated by the registering officer, and shall then be admissible for the purpose of proving that the document has been duly registered in manner provided by this Act, and that the facts mentioned in the endorsements referred to in section fifty-nine have occurred as therein mentioned.

A certificate of registration is evidence that a bond has been registered, but not that it was executed. *Kripa Nath Talápatra v. Bhasál Mullah*. (1) It is not necessary to prove the Registering Officer's signature. *Mír Habib-us-Subhán v. Mír Husain Ali*. (2)

**61.** The endorsements and certificate referred to and mentioned in sections fifty-nine and sixty shall thereupon be copied into the margin of the Register Book, and the copy of the map or plan (if any) mentioned in section twenty-one shall be filed in Book No. 1.

The registration of the document shall thereupon be deemed complete, and the document shall then be returned to the person who presented the same for registration, or to such other person (if any) as he has nominated in writing in that behalf on the receipt mentioned in section fifty-two.

**62.** When a document is presented for registration under section nineteen, the translation shall be transcribed in the register of documents of the nature of the original, and, together with the copy referred to in section nineteen, shall be filed in the registration office.

(1) 6 W. R. 105. Peacock C. J. &  
L. S. Jackson J.

(2) 5 W. R., S. C. C. Ref. 14.

The endorsements and certificate respectively mentioned in sections fifty-nine and sixty shall be made on the original, and for the purpose of making the copies and memoranda required by sections fifty-seven, sixty-four, sixty-five and sixty-six, the translation shall be treated as if it were the original.

**63.** Every registering officer may at his discretion administer an oath to any person examined by him under the provisions for this Act. He may also at his discretion record a note of the substance of the statement made by each such person, and such statement shall be read over, or (if made in a language with which such person is not acquainted) interpreted to him in a language with which he is acquainted, and if he admits the correctness of such note, it shall be signed by the registering officer.

Every such note so signed shall be admissible for the purpose of proving that the statements therein recorded were made by the persons and under the circumstances therein stated.

*(C.)—Special duties of Sub-Registrar.*

**64.** Every Sub-Registrar, on registering a document relating to immoveable property not wholly situate in his own Sub-District, shall make a memorandum thereof and of the endorsement and certificate thereon, and send the same to every other Sub-Registrar subordinate to the same Registrar as himself in whose Sub-District any part of such property is situate, and such Sub-Registrar shall file the memorandum in his Book No. 1.

**65.** Every Sub-Registrar on registering a document relating to immoveable property situate in more Districts than one, shall also forward a copy thereof and of the endorsement and certificate thereon, together with a copy of the map or plan (if any) mentioned in section twenty-one, to the Registrar of every District in which any part of such property is situate other than the District in which his own Sub-District is situate.

The Registrar, on receiving the same, shall file in his Book No. 1 the copy of the document and the copy of the map or plan (if any), and shall forward a memorandum of the document to each of the Sub-Registrars subordinate to him within whose Sub-District any part of such property is situate; and every Sub-Registrar receiving such memorandum shall file it in his Book No. 1.

The law leaves it somewhat doubtful whether the provisions of Sections 64 and 65 apply to the case of wills which affect immoveable property. Under Act XX of 1866, a Sub-Registrar had no power to register wills, and in section 74 (which corresponded to Section 66 of this Act) the word "instrument" is used which by the definition did not include a will. For the term "instrument" the words "document not testamentary" have been substituted in the present Act; but as the term did not occur in the corresponding Sections of Act XX of 1866, Sections 64 and 65 are altogether silent on the subject, speaking of documents only without limitation. Looking at the analogous provisions of Section 66, however, it was probably intended that the procedure laid down in Sections 64 and 65 should not apply to wills.

*(D.)—Special duties of Registrar.*

**66.** On registering any document not testamentary relating to immoveable property, the Registrar shall forward a memorandum of such document to each Sub-Registrar

Procedure on Registrar's registration of document relating to immoveable property situate in several Districts.

Procedure on registering documents relating to immoveables.

subordinate to himself in whose Sub-District any part of the property is situate. He shall also forward a copy of such document, together with a copy of the map or plan (if any) mentioned in section twenty-one, to every other Registrar in whose district any part of such property is situate.

Such Registrar, on receiving any such copy, shall file it in his Book No. 1, and shall also send a memorandum of the copy to each of the Sub-Registrars subordinate to him within whose Sub-District any part of the property is situate.

Every Sub-Registrar receiving any memorandum under this section, shall file it in his Book No. 1.

**67.** On any document being registered under section thirty, clause (b), a copy of such document and of the endorsements and certificate thereon shall be forwarded to every Registrar within whose District any part of the property to which the instrument relates is situate, and the Registrar receiving such copy shall follow the procedure prescribed for him in the first clause of section sixty-six.

Procedure on registration under Section 30, clause b.

*(E).—Of the controlling powers of Registrars and Inspectors General.*

**68.** Every Sub-Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose District the office of such Sub-Registrar is situate.

Registrar to superintend and control Sub-Registrars.

Every Registrar shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act

which he considers necessary in respect of any act or omission of any Sub-Registrar subordinate to him, or in respect of the rectification of any error regarding the Book or the office in which any document shall have been registered.

See Section 11. A Sub-Registrar acting for a Registrar cannot exercise this power.

**69.** The Inspector General shall exercise a general super-

Inspector-General to  
superintend registration  
offices.

His power to frame  
rules.

intendence over all, the registration offices in the territories under the Local Government, and shall have power from time to time to frame rules consistent with this Act providing for the safe custody of books, papers and documents, and also for the destruction of such books, papers and documents as need no longer be kept; declaring what languages shall be deemed to be commonly used in each District; declaring what territorial divisions shall be recognized under section twenty-one; regulating the amount of fines imposed under section twenty-four; regulating the exercise of the discretion reposed in the registering officer by section sixty-three; regulating the form in which registering officers are to make memoranda of documents; regulating the authentication by Registrars and Sub-Registrars of the books kept in their respective offices under section fifty-two; declaring the particulars to be contained in Indexes Nos. I, II and III, respectively; declaring the holidays that shall be observed in the registration offices; and, generally, regulating the proceedings of the Registrars and Sub-Registrars.

The rules so framed shall be submitted to the Local Government for approval, and, after they have been approved,

they shall be published in the official *Gazette*, and shall then have the same force as if they were inserted in this Act.

**70.** The Inspector General may also, in the exercise of his discretion, remit wholly or in part his power to remit fines, the difference between any fine levied under section twenty-four or section thirty-four and the amount of the proper registration fee.

The fine under Sections 24 and 34 is obviously intended therefore to be inclusive of the ordinary fee.

## PART XII.

### OF REFUSAL TO REGISTER.

**71.** Every registering officer refusing to register a document, except (1) where the property to which the document relates is not situate within his District or Sub-District, or (2) where the registering officer, being a Registrar, declines to accept the document on the ground that it ought to be registered in the office of a Sub-Registrar, shall make an order of refusal and record his reason for such order in his Book No. 2, and endorse the words "registration refused" on the document; and on application made by any person executing or claiming under the document, shall, without unnecessary delay, give him a copy of the reasons so recorded.

No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

It is not necessary to record an order of refusal in cases where the registering officer declines to register on the ground that the property is not situated

within his District or Sub-District, or where a Registrar refuses to exercise the discretion given him by Section 30. A copy of the reasons for refusal should be stamped under Schedule I, Art. 6, of the Court Fees Act.

One of the parties to a bond pledging immoveable property, refused to register it, and the other sued to put an end to the contract and recover the money lent. Held that plaintiff had no cause of action; his proper course was to have enforced registration of the bond. *Guru Pershad Káy v. Ráy Dhanpat Singh*. (1)

**72.** An appeal shall lie against an order of a Sub-Registrar

Registrar may alter or revise orders of Sub-Registrar refusing registration.   
 refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate, if presented to such Registrar within thirty days from the date of the order, and the Registrar may reverse or alter such order.

Any Registrar refusing to direct the registration of any document shall make an order of refusal, and record the reasons for such order in his Book No. 2, and on application made by any person executing or claiming under the document, shall, without unnecessary delay, give him a copy of the reasons so recorded.

**73.** If a Registrar makes under section seventy-one or

Procedure where Registrar refuses to register or direct registration.   
 section seventy-two an order of refusal to register or to direct the registration of any document, or if he has made a like order under section eighty-two or section eighty-three of Act No. XX of 1866, or if the Sub-Registrar has refused to register the document on the ground that the person, or one of the persons, by whom the document purports to have been

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(1) 14 W. R. 70. L. S. Jackson and E. Jackson, JJ.

executed has denied the execution, or if the Registrar has himself as Sub-Registrar made an order of refusal under section seventy-one, any person claiming under such document, or his representative, assign or agent authorized as aforesaid, may, within thirty days after the making of the order of refusal, apply by petition to the District Court, in order to establish his right to have the document registered. •

It will be observed that where the refusal to register is in consequence of the non-admission of execution, the aggrieved party may apply to the Civil Court direct, without any intermediate appeal to the Registrar. An application will lie to the Court under the present Act, whatever the nature of the document and whether its registration be compulsory or optional.

Under Act XX of 1866 it was ruled that in Chôta Nagpore the petition should be made to the Judicial Commissioner. *Budhu Mahton*, (1) But the form of petition prescribed by this Act is headed "To the Judge of the District Court (or to the Deputy Commissioner) of."

**74.** The petition shall be in the form contained in the

Petition.

second Schedule hereto annexed or as near thereto as circumstances permit, and shall be accompanied by copies of the reasons recorded under sections seventy-one and seventy-two; the statements

To be verified.

in the petition shall be verified by the petitioner in manner required by law for the verification of plaints; and the petition may be amended by permission of the Court.

**75.** The Court shall fix a day for the hearing of the peti-

Court to fix day for hearing petition, and copy thereof to be served.

tion not less than two days after the service next hereinafter mentioned, and shall direct a copy of the petition, with



a notice at the foot thereof of the day so fixed, to be served on the registering officer and on such other persons (if any) as the Court thinks fit; and the provisions of the Code of Civil Procedure as to the service and endorsement of summonses shall apply, *mutatis mutandis*, to copies of petitions under this section.

**76.** The Court may summon and enforce the attendance of witnesses and compel them to give evidence, and on the day so fixed as aforesaid or on any day to which the hearing of the petition may be adjourned, shall enquire (a) whether the document has been executed, and (b) whether the requirements of the law for the time being in force have been complied with on the part of the petitioner so as to entitle the document to registration.

If it finds that the document has been executed and that the said requirements have been complied with, the Court shall order the document to be registered, and if the document be duly presented for registration within thirty days after the making of such order, the registering officer shall obey the same, and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections fifty-eight, fifty-nine and sixty.

Such registration shall take effect as if the document had been registered when it was first duly presented for registration.

Provided that when the officer presiding over the District Court has himself as registering officer made any order complained of under this section, the petition shall, within

Provision for case in which the Judge is the registering officer.

sixty days after the making of such order, be presented to the High Court, and the provisions contained in the former part of this section shall, *mutatis mutandis*, apply to such petition and the order (if any) thereon.

The District Court or the High Court, as the case may be, may direct by whom the whole or any part of the costs of any proceedings before it under this Part shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure.

No appeal lies from any order made under this section.

By the decision of a Full Bench in *Shaikh Rahmatullah v. Shaikh Shariatullah Qázi* (1) it was held that a regular suit to enforce registration will not lie, and that the only remedy in the case of a refusal is contained in this Part of the Act. And this view was confirmed in the case of *Tulsi Sahu v. Mahadeo Dás*. (2)

In *Guru Dás Datta v. Dwarkunath Máná* (3) the persons executing the document had omitted to appear before the registering officer, and it was held that section 15 of Act XVI of 1864 applied only to cases in which registration had been improperly refused by the Registrar. But this decision was over-ruled in *Ramlál Singh v. Thakur Dyal* (4), in which it was laid down that even though the order of refusal was perfectly proper, still an application would lie to the Civil Court, and the Court might order registration.

It is to be observed that it is only a *claimant*, his representative, assign or agent, who can petition the Court under this section; and the Court can only order registration, if the petitioner has complied with the requirements of the law so as to entitle the document to registration. For example, a Court would not order registration, if the instrument had not been presented for that purpose within four months from the date of its execution. *Mannohini Dás v. Bishtamahí Dási*. (5)

But there are certain formalities required by the Act which may be dispensed with, if registration is ordered by the Court. The procedure

(1) 1 B. L. R. F. B. 58.

(3) 6 W. R. Misc. Rul. 61.

(2) 2 B. L. R. A. C. 105. Kemp & E. Jackson, JJ.

(4) 9 W. R. 576. Loch and Mitter, JJ.

(5) 7 W. R. 112. Loch & Macpherson, JJ.

prescribed in sections 58, 59 and 60 will only be followed "so far as may be practicable," that is, if a person executing the document refuses to appear or declines to admit his execution, the endorsement under Section 58 may be dispensed with.

In *Bhimal Mahton v. Mussamat Alimissa, alias Begum Jân* (1) it was ruled that, where registration had been refused under Act XVI of 1864, a regular suit might still be brought under Section 15 of that Act, notwithstanding this Section. The general law of limitation is applicable to such a suit. *Ramlal Singh v. Thákur Dyal*. (2) But in order to bring a suit under that Section, it is necessary that registration should have been refused by a registering officer. *Manmohiní Dást v. Bishtamahí Dást*, (3) and *Ujjal Mandal v. Hirasatullah Mandal*. (4)

## PART XIII.

### OF THE FEES FOR REGISTRATION, SEARCHES AND COPIES.

**77.** Subject to the approval of the Governor-General in Council, the Local Government shall  
 Fees to be fixed by Local Government. prepare a table of fees payable—

For the registration of documents :

For searching the registers :

For making or granting copies of reasons, entries or documents, before, on or after registration ;

And of extra or additional fees payable—

For every registration under section thirty :

For the issue of commissions :

For filing translations :

For attending at private residences ;

And for such other matters as appear to the Local Government necessary to effect the purposes of this Act.

(1) 8 W. R. 423. Loch & Seton-Karr, JJ. (3) 7 W. R. 112. Loch & Macpherson, JJ.

(2) 9 W. R. 578. Trevor & Seton-Karr, JJ. (4) 7 W. R. 130. Trevor & Seton-Karr, JJ.

The Local Government may from time to time, subject to the like approval, alter such table.

A table of the fees so payable shall be published in the official *Gazette*, and a copy thereof in English and the Vernacular language of the District shall be exposed to public view in every registration office.

**78.** All fees for the registration of documents under this Act shall be payable on the presentation of such documents.

## PART XIV.

### PENALTIES.

**79.** Every registering officer appointed under this Act, and every person employed in his office for the purposes of this Act, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited under its provisions, endorses, copies, translates or registers such document in a manner which he knows or believes to be incorrect, intending thereby to cause, or knowing it to be likely that he may thereby cause injury, as defined in the Indian Penal Code, to any person, shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

"Injury" is defined in the Indian Penal Code, Section 44, to be any harm whatever illegally caused to any person in body, mind, reputation or property.

**80.** Whoever commits any of the following offences, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both :—

(a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or enquiry under this Act ;

Making false statements before registering officer.

In *Queen v. Durgacharn Basu* (1) where a Sub-Registrar had taken evidence as to the execution of a deed, and had prosecuted the grantor thereof for having intentionally made a false statement in stating that he had not executed it, it was held that the Sub-Registrar was competent to examine any person for any purpose contemplated by the Act, and that any statement made by such person before such an Officer in any proceedings or enquiries under the Act, if intentionally false, rendered such person liable to a criminal prosecution.

(b) intentionally delivers to a registering officer in any proceeding under section nineteen or section twenty-one, a false copy or translation of a document, or a false copy of a map or plan ;

Delivering false copy or translation.

(c) falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act ;

False personation.

(d) abets within the meaning of the Indian Penal Code anything made punishable by this Act.

Abetment of offences under this Act.

In *Queen v. Lathi Bewa and others* (2) a vendor proceeded in company with three persons to Dacca to register a deed of sale. She being taken ill on the way, her three companions went to the registration office, where one of them personated the vendor and got the deed registered ; she was convicted of

(1) 6 W. R. Crim. Rul 81, mis-reported as *Queen v. Jagat Chandra Datta*.

(2) 2 B. L. R., A. C. N. 25.

cheating by false personation, and the other two of abetting that offence. *Held*, on revision, that as there was no intention apparent on the part of the accused to injure or defraud any one, the conviction should have been under Sections 93 and 94 of Act XX of 1866, and not under Section 419 of the Penal Code.

Three persons who put up a fourth to personate one whose authority was required to complete a conveyance of immoveable property, were held guilty under this Section. *Queen v. Salimuddin and others.* (1)

**81.** A prosecution for any offence under this Act coming to the knowledge of a registering officer may be instituted by or with the permission of the Inspector General, the Branch Inspector General of Sindh, the Registrar or the Sub-Registrar, in whose territories, District or Sub-District, as the case may be, the offence has been committed.

Offences punishable under this Act shall be triable by any Court or officer exercising powers not less than those of a Subordinate Magistrate of the first class: Provided that in imposing penalties under this Act, no such Court or officer shall exceed the limits of jurisdiction prescribed by the law for the time being in force as to such Court or officer.

Although Section 95 of Act XX of 1866 spoke only of the institution of prosecutions, it was ruled that a Magistrate had full power under that Section to try and adjudicate upon, as well as to entertain and enquire into, charges under the Act, and that he was not bound to commit to the Sessions. *Queen v. Ashanullah and others.* (2) But a commitment to the Court of Session was perfectly legal. *Reg. v. Ravlojirav bin Hanmantrav.* (3) And if a Magistrate considers that a more severe punishment is requisite than he is competent to award, he should commit to the Sessions. *Queen v. Sheoghuldin Das and others.* (4) But offences under this Act should not be tried with the assistance of a Jury. (5)

(1) 7 W. R. Cr. Rul. 99

(2) 10 W. R. Cr. Rul. 21: Phear & Hobhouse, JJ.

(3) 5 Bombay H. C. Reports, Cr. Ca. 7.

(4) *Englishman*, 12 May 1871. Full Bench.

(5) 14 W. R. Crim. Rul. 32 L. S. Jackson and Mitter, JJ.

A Sub-Registrar under Act XX of 1866 investigated a complaint preferred before him and, after a reference to the Registrar, transferred the case to himself as Magistrate and committed the accused for trial. Held that he should have caused the complainant to proceed under section 66 of the Code of Criminal Procedure before the Magistrate, or before an officer authorized to receive such a complaint; but that the committal might be sustained under the powers of Section 68, C. C. P. *Queen v. Haridas Kundu*. (1)

All fines imposed under this Act may be recovered, if for offences committed outside the limits of the Presidency Towns, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such Towns for the time being in force.

Section 61 of the Code of Criminal Procedure, as amended by Act VIII of 1869, runs thus: —

“Whenever an offender is sentenced to pay a fine, the Court which sentences him, whether or not the offence be punishable with fine only, and whether or not the sentence direct that, in default of payment of the fine, the offender shall suffer imprisonment, may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender. Such warrant may be executed within the jurisdiction of the Court that issued it, and it shall authorise the distress and sale of any moveable property belonging to the offender without the jurisdiction of the said Court, when endorsed by the Magistrate of the District in which such property is situated.

**82.** Every registering officer appointed under this Act shall be deemed a public servant with-  
Registering officers to be deemed public servants. in the meaning of the Indian Penal Code.

Every person shall be legally bound to furnish information to such registering officer when required by him to do so. And in section two hundred and twenty-eight of the same

Code, the words "judicial proceeding" shall include any proceeding under this Act.

Section 176 of the Indian Penal Code runs as follows :—

"Whoever, being legally bound to give any notice or to furnish information on any subject to any Public Servant as such, intentionally omits to give such notice or to furnish such information in the manner and at the time required by law, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to Five Hundred Rupees, or with both."

And Section 228 :—

"Whoever intentionally offers any insult, or causes any interruption to any Public Servant, while such Public Servant is sitting in any stage of a judicial proceeding, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to One Thousand Rupees, or with both."

## PART XV.

### MISCELLANEOUS.

**83.** Documents (other than wills) remaining unclaimed

Destruction of unclaimed documents.

in any registration office, for a period exceeding two years, may be destroyed.

**84.** No registering officer shall be liable to any suit,

Registering officer not to be liable for anything *bona fide* done or refused in his official capacity.

claim or demand, by reason of anything in good faith done or refused in his official capacity.

**85.** Nothing done in good faith pursuant to this Act, or

Nothing done by registering officer to be invalidated by defect in his appointment or procedure.

any Act hereby repealed, by any registering officer, shall be deemed invalid merely by reason of any defect in his appointment or procedure.



**86.** Notwithstanding anything herein contained, it shall not be necessary for any officer of Government, or for the Administrator General of Bengal, Madras or Bombay, or for any Official Trustee, or for the Sheriff, Receiver or Registrar of a High Court, to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him in his official capacity, or to sign as provided in section fifty-eight. But when any instrument is so executed, the registering officer to whom such instrument is presented for registration may, if he think fit, refer to any Secretary to Government or to such officer of Government, Administrator General, Official Trustee, Sheriff, Receiver or Registrar, as the case may be, for information respecting the same, and, on being satisfied of the execution thereof, shall register the instrument.

*Exemptions from Act.*

**87.** Nothing contained in this Act or any Act hereby repealed shall be deemed to require, or to have at any time required, the registration of any of the following documents or maps :—

(a) Documents issued, received, or attested by any officer engaged in making a settlement or revision of settlement of land revenue, and which form part of the records of such settlement.

(b) Documents and maps issued, received, or authenticated by any officer engaged on behalf of Government in making

or revising the survey of any land, and which form part of the record of such survey.

(c) Documents which, under any law for the time being in force, are filed periodically in any revenue office by patwáris or other officers charged with the preparation of village records.

(d) Sanads, inám title-deeds, and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land.

But all such documents and maps shall, for the purposes of sections forty-eight and forty-nine, be deemed to have been and to be registered in accordance with the provisions of this Act.

**88.** Subject to such rules and the previous payment of such fees as the Local Government from time to time prescribes in this behalf, all documents and maps mentioned in section eighty-seven, clauses (a), (b) and (c), and all registers of the documents mentioned in clause (d), shall be open to the inspection of any person applying to inspect the same, and, subject as aforesaid, copies of such documents shall be given to all persons applying for such copies.

**89.** From the first of July to the first of October 1871 in the territories respectively administered by the Chief Commissioners of Oudh and British Burma, a power of attorney not duly executed according to the provisions of section thirty-three shall, notwithstanding anything therein contained, be deemed to have been duly executed under the

provisions of the same section, if the registering officer is satisfied that it has been executed in good faith, and if a power of attorney attested under the provisions of this Act cannot be obtained within the time during which the document sought to be registered can, under such provisions, be accepted for registration.

90. All rules relating to registration heretofore enforced in British Burma shall be deemed to have had the force of law, and no suit or other proceeding shall be maintained against any officer or other person in respect of anything done under any of the said rules.

### FIRST SCHEDULE.

(See Section 2.)

Number and year.	Title.	Extent of repeal.
XXII of 1864	An Act to make provision for the Administration of Military Cantonments.	Sections ten and forty-five.
XX of 1866	An Act to provide for the Registration of Assurances.	The whole.
XXVII of 1868	An Act to exempt certain Instruments from the Indian Registration Act, 1866.	The whole.
VII of 1870	The Court Fees Act...	In Schedule I the number and words following : "3. Petition under the Indian Registration Act, section fifty-three."
	All Rules relating to the registration of documents and having the force of law in Oudh.	The whole.
	All Rules relating to the registration of documents and having the force of law in any part of British Burma.	The whole.



the said instrument and gave your petitioner a copy, which is filed herewith, of the reasons for such order.

6. That your petitioner on the \_\_\_\_\_ day of \_\_\_\_\_  
appealed to the Registrar of \_\_\_\_\_ against such order.

7. That the said Registrar thereupon made an order of refusal, dated the \_\_\_\_\_ day of \_\_\_\_\_, to direct the registration of the said instrument and gave your petitioner a copy, which is filed herewith, of the reasons for such order.

8. That the reasons referred to in paragraphs 5 and 7 of this petition are, as your petitioner submits, insufficient.

Your petitioner therefore prays that your Honour will order the said Sub-Registrar to register the said instrument.

A. B.

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*Another Form.*

*Stamp  
eight  
annas.*

To the Judge of the District Court [ or To the Deputy Commissioner ] of \_\_\_\_\_

The \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

The petition of A. B. of \_\_\_\_\_  
Sheweth—

1. That by an instrument dated the \_\_\_\_\_ day of \_\_\_\_\_  
and made between C. D. of the one part and  
your petitioner of the other part, certain lands were conveyed

to your petitioner by way of mortgage to secure the sum of one thousand rupees.

2. That such instrument was executed by the said C. D. on the            day of            18   .

3. That the property to which such instrument relates is situate in the Sub-District of the Sub-Registrar of            and in the District of           

4. That on the            day of            your petitioner presented the said instrument for registration under the Indian Registration Act 1871 in the office of the said Sub-Registrar, and the said C. D. appeared personally before the said Sub-Registrar and falsely denied the execution of the said instrument.

5. That the said Sub-Registrar thereupon made an order of refusal dated the            day of            18   to register the said instrument and gave your petitioner a copy, which is filed herewith, of the reasons for such order.

6. That your petitioner has complied with the requirements of the said Act so far as it has been possible for him to do so.

Your petitioner therefore prays that your Honour will order the said Sub-Registrar to register the said instrument.

A. B.

*Form of Verification.*

I, A. B., the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed). A. B.

# RULES

## FRAMED UNDER SECTION 69 OF THE INDIAN REGISTRATION ACT, 1871.

" (*Published in the "Calcutta Gazette" of the 7th June 1871.*)

### I.—OF ESTABLISHMENTS.

1. District Officers giving and receiving charge of the office  
of Registrar, shall report the fact without  
Section 10. delay to the Inspector General.

2. Whenever a Sub-Registrar has been permitted to leave his  
sub-district, the Registrar shall nominate  
Section 12. a competent person residing at or near the  
head-quarters of the sub-district to be Sub-Registrar *pro tempore*.  
If there shall be no such person, the Registrar shall himself  
assume charge of the sub-registry office, until the return of the  
Sub-Registrar or appointment of a successor; and in such case, the  
extra or additional fee chargeable for registration by a Registrar  
shall not be charged upon registrations effected during the absence  
of the Sub-Registrar.

3. If a Sub-Registrar holding any other office shall be required  
by the necessities of such office to leave  
Section 12. his head-quarters for more than two days,  
he shall previously report to the Registrar, who may thereupon  
appoint a competent person to be Sub-Registrar in his absence; if  
there be no such person, the Sub-Registrar shall retain his office.

4. All appointments made by a Registrar under Sections 11  
and 12 shall be forthwith reported to the Inspector-General, and  
shall be included (together with appointments made by him under  
Section 10) in a monthly report to Government.

5. The seals of District Registrars and Deputy Registrars made under Section 12 of Act XVI of 1864 shall be taken to be seals of Registrars and Sub-Registrars under this Act.

6. The seal shall always remain in the personal custody of the registering officer.

7. Suitable accommodation shall be provided in each office for the safe custody of the registers and indexes.

## II.—OF DOCUMENTS.

8. All documents presented for registration shall be written in ink, lithographed, or printed, on paper, vellum, or vegetable parchment, and shall contain blank space of not less than one side of a foolscap half-sheet, or shall be attached to a covering slip containing such blank space.

9. The following languages shall be considered to be commonly used in the districts named,  
Section 19. *viz.* :—

In the Patna division and in the districts of Bhaugulpur and Monghyr—English, Hindi and Hindustani.

In the Chotâ Nagpore and Cooch Behar divisions, and in the district of Purneah and the Sonthal Pergunnahs—English, Hindi, Hindustani and Bengali.

In the Burdwan, Presidency, Rajshahi, Dacca, and Chittagong divisions—English, Bengali and Hindustani.

In the Orissa Division—English, Bengali, Hindustani and Uriya.

In the Assam Division—English, Bengali, Hindustani and Assamese.



10. If the persons executing a document are present at the time of registration, they shall attest with their initials all interlineations, &c.; if not, the agent, &c., may attest them, or the document may be returned for the attestation of the principal at the discretion of the registering officer, but a document shall never be returned on this ground unless the interlineations, &c., are of an important character.

11. The description specified in Section 21 may be dispensed with, if the identification is complete without it, as where an estate is described as "No. 221 on the Collector's rent-roll," or "a three-annas share in No. 221." But the following territorial divisions shall always be specified:—District (*i.e.* collectorate), pergunnah (or thanah, where pergunnahs do not exist), mouzah, and also the registration district and sub-district.

12. Whenever a document registered under Section 30 (*b*) contains a map or plan of any property comprised therein, and no portion of the said property is situated within the district including the Presidency town, a true copy of such map or plan shall be supplied for record in the Registrar's own office, in addition to the number of copies required by Section 21 (*c*).

13. Copies of maps or plans shall be attested by the signatures of the persons executing the document or their agents; and the original map or plan contained in the document shall at the time of registration be signed and sealed by the registering officer.

### III.—OF TIME.

14. Every Sub-Registrar shall sit during certain hours, which shall be approved by the Registrar and shall be duly notified to the public.

15. When an application is made under Section 24, the Registrar may either register the document himself (in which case he will charge the extra fee prescribed as well as the penalty), or he may authorize any Sub-Registrar in whose office the document may be registered under Sections 28 and 29, to accept it for registration on payment of the penalty. The date of presentation in such cases shall be taken to be the date on which the application is made.

16. In order to satisfy himself of the date on which a document of the kind referred to in Section 25 arrived in British India, the registering officer may call for and inspect any letter which accompanied the document, or may receive other evidence, making a note, however, of the manner in which he satisfied himself upon the point.

17. The holidays to be observed in registration offices shall be the days on which the Bank of Bengal is closed by notification in the *Calcutta Gazette*.

#### IV.—OF PLACE.

18. No registering officer shall proceed to any house under Section 31 except on payment of the fee for such visit, and if the house be at a distance of more than one mile from his office, he may also demand travelling allowance at the rate of four annas per mile.

#### V.—OF POWERS OF ATTORNEY.

19. Every registering officer shall keep a register of the powers-of-attorney authenticated by him, which shall contain the following headings:—serial number, date, name of the principal executing the power and his addition, name of the attorney and his addition, names of the persons (if any) who identify the principal, and nature of the power. At the end of the same book shall be an

index to the names of all principals and attorneys, referring to the page at which the details of the power are recorded, and such index shall be written up at the end of each year.

20. The form of authentication of powers-of-attorney shall be as follows : —  
Section 33.

(1) When the principal executing the power appears at the registration office—

“ Executed in my presence on the                      day of                      18  
by A. B., of                      , who is personally known to me (or whose  
identity was proved by the testimony of C. D. and E. F.), and re-  
corded as No.                      for 18                      .”

Seal and signature.

(2) When the principal is exempted from appearance—

(a) “ Having visited and examined the principal at his (or her) residence at                      , I am satisfied that this power-of-attorney has been voluntarily executed by him (or her), and I accordingly authenticate it under section 33 of Act VIII of 1871 and record it as No.                      for 18                      ”

Date

Seal and signature.

(b) Or (when the examination has taken place under a commission)—

“ From the above report, I am satisfied, &c.,” (as above).

21. The registering officer shall satisfy himself of the identity of persons appearing to execute a power in the same manner as of persons appearing to acknowledge the execution of a document.

22. Powers-of-attorney given for general purposes are available under this Act, if they contain or imply an authority to appear in a registration office, and are executed in the presence of, and

authenticated by, a registering officer or other officer named in the Act, and powers previously executed may be made available by the addition of a clause to that effect, and by re-execution in the presence of such officer.

23. Powers-of-attorney, whether given for registration purposes or not, may be registered under Section 18, clause 7, but this is independent of their authentication required under Section 33.

24. When a document is presented for registration which has been executed under a special power-of-attorney, the power shall be returned to the agent after the necessary particulars have been noted in the endorsement, as hereinafter prescribed; but if the power has been granted for registration purposes only, it shall be filed in the office. General powers shall always be returned to the attorneys who hold them.

#### VI.—OF SUMMONSES AND COMMISSIONS.

25. The processes authorized by Sections 36, 37 and 39, shall be executed through the Revenue Courts, and the peon's fee shall be regulated according to the rules for the service of processes in the Revenue Courts, and shall be credited to the revenue process fund.

26. If the summons be addressed to a person who is alleged to have executed the document, it shall require him to attend in person, or by agent; if it be addressed to any person whose evidence is required to prove a fact, it shall require him to attend in person.

27. The expenses of a witness shall be paid in at the time of the application for the summons, and shall be sent to the revenue officer who issues the summons, to be paid to the witness.

28. If any person without lawful excuse fails to comply with Section 168 of Act VIII of 1859. a summons, the registering officer shall give information to the revenue officer who issued the summons, who shall proceed under Section 168 of Act VIII of 1859 to compel his attendance.

29. Application for a visit or commission under Section 38 Section 38. may be made either instead of, or after the service of, a summons.

30. If the person to be examined under Section 38 be not resident within the district or sub-district of the registering officer, a commission shall be directed to the Registrar of the district in which the witness is, who may re-direct it to the Sub-Registrar, who may, if he cannot personally attend, re-direct it to any officer of his establishment.

31. A commission shall ordinarily be issued by a registering officer to some member of his establishment, and the order shall be briefly endorsed on the document in words to this effect:—  
“A commission is hereby issued under section 33 (or 38) of the Indian Registration Act, 1871, to (name and designation of the officer) for the purpose of enquiring whether the within power (or document) has been executed by A. B., by whom it purports to have been executed.”

32. When the commission has been executed, the commissioner shall return the document to the office from which it was issued, with a report which shall be endorsed upon the document in the following terms:—“Having visited the residence of A. B. at , I have this day examined the said A. B., who has been identified to my satisfaction by C. D. and E. F., residents of , and the said A. B. admitted (or denied) the execution of the within power (or document).”

(Sd.)

Commissioner.

Date

This endorsement shall also be signed by the person for whose examination the commission has been issued, and by the witnesses who identify him.

33. A commissioner may examine witnesses in the same manner as a registering officer; and persons refusing to give testimony to a commissioner on being required to do so, shall be subject to the same penalties and punishments which they would incur for the same offence if committed in a registration office.

Sections 33 and 38, and  
Section 180 of Act VIII of  
1859.

34. It shall be competent to a registering officer to examine the commissioner personally in his office touching any of the matters referred to by him or mentioned in his report, or the manner in which he may have conducted the investigation.

Sections 33 and 38, and  
Sections 180 of Act VIII  
of 1859.

35. No registering officer shall proceed to any house or jail, or issue a commission under Sections 33 or 38 until a fee has been paid by the applicant; and the registering officer may, at his discretion, and if the place be not within a mile from his office, call upon the applicant to pay travelling allowance for himself or for any person to whom a commission is issued.

Proviso to Section 33 and  
Section 38.

36. A separate fee shall be charged upon every signature which requires attestation, but travelling allowance shall only be charged for the actual distance travelled. Provided that where two or more persons who execute the same document reside together, only one commission fee shall be charged so far as those persons are concerned.

#### VII.—OF THE DEPOSIT OF WILLS.

37. A will shall not be received for deposit otherwise than in the manner laid down in Section 42. A will received through the post office shall be returned to the testator bearing.

Section 42.

38. When a will is forwarded to any Court under Section 46, it shall be accompanied with a memorandum of the fee for opening the cover and copying charges, and it shall be the duty of the Court to levy and remit such fee and charges to the Registrar.

#### VIII.—OF PROCEDURE ON PRESENTATION.

39. On the presentation of a document for registration, the registering officer shall first satisfy himself that it has been presented at the proper office, and within the prescribed time, and by some person executing or claiming under it, or his representative or assign, or by the agent of any of them duly authorized under Section 33, and that it bears the proper stamp, and is otherwise admissible. This will be certified on the face of the deed near the stamp in the following terms :—

“Stamp correct under article      of schedule      of the General Stamp Act. Admissible under Sections      of the Registration Act,” quoting sections 19, 20, 21, 23, 24, 25, 26, 28, 29, 30, 31, 32, or as many of them as are required, and the certificate shall be signed or initialed by the registering officer or by his clerk.

*Explanation.*—Thus, if a document referring to immovable property be in the usual language of the district, Section 19 need not be quoted; if it contains interlineations which are properly attested, is correct in its specification of boundaries, and is presented within four months at the proper Sub-Registrar's office by a person claiming under it, the Sections quoted will be 20, 21, 23, 28, and 32.

40. After entry of the certificate under the preceding rule, the registering officer shall receive the fee or any fine payable under Section 24, and enter the amount on the document close to the certificate prescribed in the last rule, and at the same time the requisite entry shall be made in the fee book.

41. The document shall now be endorsed to the following effect :—

“ Presented for registration between the hours of     and  
 Section 52.     on the     day of     18     at  
    the office of the Sub-Registrar (or Registrar) of     by A. B., attorney for C. D. one of the claimants,  
 under a power (No.     for 187 ) duly authenticated by the  
 Sub-Registrar of

(Sd.) A. B.

And this endorsement shall be signed and dated by the registering officer.

42. The amount of the fee paid shall be entered on the receipt for the document which is given to the person presenting the same under Section 52.

Section 2.     43. The representatives of a person  
 are—

(a)—The guardian of an infant.

(b)—The committee or other legal guardian of a lunatic or idiot.

(c)—Executors or administrators.

(d)—Heirs.

The right to appear shall be proved in the first three cases by the production (when necessary) of the appropriate legal documents : heirship shall be proved by evidence to the satisfaction of the registering officer.

44. It is impossible to lay down rules to enable the registering officer to satisfy himself of the identity of persons appearing before him ; he shall require the best testimony procurable ; and the testimony of persons known to himself, or of persons in a public position, such as zemindars, officers of the court, pleaders,



&c., is always better than that of unknown and obscure persons. Any physical peculiarity or mark of deformity in a person should be noted in the endorsement.

**IX.—OF PROCEDURE ON THE APPEARANCE OF THE PARTIES.**

45. When a fine has already been paid under Section 24, a second fine shall not be levied under Section 34. Section 34, nor shall more than one fine be levied on the same document.

46. The endorsement under Section 58 shall be to the following effect :—“ Execution was admitted by—  
Section 58.

1.—A. B., of Calcutta, Merchant.

2.—A. B., as aforesaid, agent for C. D., of Monghyr, Contractor, under a power-of-attorney, No. 37 for 1866, executed in the presence of the Sub-Registrar of Monghyr.

(Sd.) A. B.

Known personally to the Sub-Registrar.

3. E. F. of No. 116, Lower Chitpore Road, Calcutta, Banian.

(Sd.) E. F.

Identified by M. N., Pleader of the High Court, resident at Bhawanipur.

(Sd.) M. N.

The said E. F. admitted receipt of the consideration stated in the document.”

(Sd.)

Dated

Sub-Registrar.

47. The endorsement referred to in the preceding rule, and the evidence upon which the identity of the executant rests, shall invariably be recorded in the handwriting of the registering officer.

48. An oath shall only be administered when the registering officer doubts the truth of any verbal statement made to him. When evidence is recorded at length under Section 63, it shall not be written on the document but on separate sheets of paper, and a note shall be endorsed upon the document of the fact of evidence having been so recorded.

49. When a document is presented which has only been executed by some of the parties to it, the other executants may attend and execute the document and admit their execution without the payment of any further fee, so long as the certificate of registration under Section 60 has not been endorsed thereon; but if the registration of the document has been completed, it shall be presented afresh for re-registration and a second fee shall be payable therefor.

#### X — OF PROCEDURE ON REGISTRATION.

50. When all the persons executing a document, or their representatives, assigns or agents, have appeared and admitted its execution, the document shall be made over to the copyist for the purpose of being entered in the register.

51. When two or more duplicates of the same document are brought for registration at the same time, it shall not be necessary to copy the document more than once in the register, but all the endorsements shall be written upon each duplicate.

52. All endorsements shall be made in red ink, excepting signatures, which may be made in black ink.

53. If the endorsements be made on a covering slip or rider, a note to that effect shall be endorsed on the document itself.

54. When the document has been copied, the registering officer shall proceed to make the certificate required by Section 60, which shall be in the following form, and it shall be copied in the left-hand margin of the register :—

" Registered in Book being No.            for 18 Date	Volume ." Seal and Signature.	Page
---	-------------------------------------	------

55. The record of every document shall be compared with the original by some person other than the copyist, and both the copyist and the examiner shall append their signatures to the record. The registering officer shall then proceed to authenticate all errors in the copy and to make any notes which may be necessary under Section 20 of the Act. He shall also affix his initials to each page, and at the end of the record certify it to be a true copy.

#### XI.—OF THE REGISTER BOOKS.

56. The register books shall have two margins. On the left-hand margin shall be copied in red ink the value of the stamp and all the endorsements made in the office ; in the centre shall be copied the deed itself in black ink ; and the right hand margin shall be left vacant for notes under Section 20 and rules 64, 65, 98 and 99.

57. The writing shall be distinct, and the books shall be kept neatly. No erasures with a knife shall be permitted, but mistakes shall be corrected with the pen, and such corrections shall invariably be attested by the registering officer.

58. Several volumes of Books I and IV may, if necessary, be kept in use simultaneously. Books II, III and V shall be continued from year to year until they are full, and in small offices where the number of documents registered is inconsiderable, the

same volume of Books I and IV may also be used for two or more years.

59. Books III, IV and VI under Act XX of 1866, shall continue in use under those titles up to the 31st December 1871.

60. When a book is closed at the end of the year, a certificate to that effect shall be appended at the close of the written portion, and a certificate showing the number of pages written upon, shall be entered on the first page.

**XII.—OF THE REGISTRATION OF COPIES AND MEMORANDA  
OF DOCUMENTS.**

61. In addition to the bound volume of Book I, every registering officer shall keep a file volume, in which he will file copies or memoranda of registered documents which have been forwarded to his office under Sections 64, 65, 66 or 67 of the Act. This volume shall have a distinct number assigned to it, like the other volumes of Book I, and it shall be bound at the end of the year. The entries in this volume shall be numbered consecutively, but in a series distinct from that of original registrations in Book I, copies being distinguished by the addition of the letter C, and memoranda by the letter M.

62. Copies shall be made on paper of the same size and description as the sheets of the bound books. Memoranda shall be drawn up in the form annexed to these rules.

63. Memoranda for sub-districts in another district shall be enclosed to the Registrar of that district, together with the copy for his own office; but no memorandum need make mention of any property other than that which is situated in the district to which the memorandum is to be sent.

64. The date on which copies and memoranda are despatched under the last rule, shall be entered in the right-hand margin of the book in which the document has been recorded.

65. Copies and translations of documents required to be filed under Sections 19 and 62, shall be made upon hand-laid medium paper, and they shall be numbered in consecutive order, a reference being made to this number in the right-hand margin of the page on which the translation is copied in Book I. The file shall be bound from time to time, when it contains a sufficient number of copies and translations to form a volume. For the purposes of this rule the requisite paper may be sold to the public at one anna per sheet.

66. Memoranda of decrees and orders which may be received after the 1st July 1871, shall be dealt with in the manner provided by Act XX of 1866 and the rules framed under that Act. Provided that it shall not be necessary for a Registrar to send to a Sub-Registrar a copy of any memorandum under section 42 of that Act.

## XII.—OF INDEXES.

67. The personal Index No. I shall contain the following  
Section 55. headings :—

1.—Name of person.

2.—Addition.

3.—Interest in the transaction, as purchaser, mortgagee, decree-holder, &c.

4.—Office of registration.

5.—Serial No.

6.—Book.

7.—Volume.

8.—Page.

68. The local Index No. II shall contain the following headings—

- 1.—Name of property or of mouzah, or, in towns, of street.
- 2.—Name of pergunnah or thanah.
- 3.—Sub-district in which the property is situated.
- 4.—Nature of the transaction, as sale of land, decree for possession of house, &c.
- 5.—Office of registration.
- 6.—Serial No.
- 7.—Book.
- 8.—Volume.
- 9.—Page.

[*Note*.—The office of registration will always be the office in which the index entries are made.]

69. Index No. III shall contain the same heading as Index No. I, with the exception of column 4.

70. Index entries shall be extracted at the time of the comparison of a document with the register, and they shall be posted into the index books of the registering officer on the same, or, at latest, on the following day.

71. The indexes shall be kept according to the letters of the alphabet, and the entries under each letter shall be arranged according to the vowel of the first syllable, if the word begins with a consonant ; or according to the second vowel, if the word begins with a vowel.

72. In all offices the index entries shall be made in English. If the documents are written or executed in English, the names of the persons and places shall be spelt in the same way in which they are written in the documents. If the documents are written or executed in the vernacular language, the spelling shall be regulated according to Professor H. H. Wilson's system of

transliteration as modified by the Syndicate of the Calcutta University.

73. Great care is necessary in selecting the proper index word. In the case of Europeans, it shall be the *surname*, and for certain classes of Hindus, the family name, as *Ghose* or *Bandopadhyay*. But a mere title or designation of caste shall not be taken as the index word.

74. When a document is executed on behalf of or in favour Government, the index entry shall be made under *G.*, *Government*—the name of the officer executing the document being entered in the column headed *Addition*; if on behalf or in favour of the Court of Wards, under *W.*, *Wards, Court of*, and in the case of any other Court, under *C.* The names of Companies shall be entered as they stand, the article only being omitted. Thus, *Land Mortgage Bank of India Limited* under *L.*; *Ganges Steam Navigation Company Limited*, under *G.*

75. The name of a depositor of a sealed cover shall be entered in Index I.

76. If more persons than one execute or claim under a document, their names shall not all be included in one entry in Index I, and similarly, if more places than one are mentioned in a document, they shall not all be included in one entry in Index II; but each name shall be entered in its appropriate place in the indexes. Provided that it shall not be necessary to enter in Index II the name of any place which is not situated within the district in which the indexing office lies.

[*Explanation.*—A document is executed by *A* and *B* conveying to *C* and *D* three parcels of land, *x*, *y*, *z*, situated in three districts, *X*, *Y*, *Z*, respectively. The document is registered, and a copy of it is recorded in each of the three districts, *X*, *Y*, *Z*. In indexing the document, each of the persons *A*, *B*, *C*, *D*, will

be entered in Index I, under the appropriate letter, in every district. But the parcel of land *x*, which is situated in district *X*, will alone be entered in Index II of that district, and similarly the parcels *y* and *z* will alone find entry in the districts *Y* and *Z* respectively.]

77. If each parcel of immoveable property has not a distinctive name of its own, the name of the mouzah shall be given, and any further description added which seems to be necessary. Examples :—

*Rampur*, Towjee No. 521 ; 2 annas.

*Gobindpur*, 30 beegahs within specified boundaries.

79. Registering officers shall index all copies and memoranda of documents which are received by them in the same way as if the documents had been originally registered in their offices, but the entries relating to such copies or memoranda shall be made in red ink.

79. In sub-registry offices the index entries shall be made at once in bound books, or in loose sheets stitched together which shall afterwards be bound.

80. The copy of a Sub-Registrar's indexes to be sent to the Registrar under Section 56, shall be made on separate sheets of paper for each subdivision of a letter as prescribed by rule 71, and the sheets shall ordinarily be forwarded to the Registrar at the end of each month. But it shall not be necessary to send any sheet so long as it contains space for further entries. Provided that the index entries relating to the books for two separate years shall not be written on the same sheets.

81. Where the office of a Registrar has been amalgamated with that of a Sub-Registrar, the copy of the Sub-Registrar's indexes



shall be sent for safe custody to the office of the Registrar of Calcutta or to such other place as the Inspector General may direct.

### XIII.—OF THE PRESERVATION AND DESTRUCTION OF RECORDS.

82. The registry office shall be a central office of record for each district, and the books and papers of subordinate offices (which are not to be destroyed) shall be transferred to it from time to time under these rules. The original indexes to registered documents affecting immoveable property shall remain in the sub-registry offices, and shall be available for purposes of search under Section 57.

83. The following records belonging to the period anterior to the enactment of Act XVI of 1864 shall be henceforward kept in the district registry office :—

- (i)—All registers of documents and their indexes.
- (ii)—Duplicate copies of documents required to be filed under Regulation XX of 1812.
- (iii)—Registers of powers-of-attorney.
- (iv)—Original powers required to be filed under Regulation XX of 1812.
- (v)—Kazees' records.

84. The following records under Act XVI of 1864 shall also be transferred to the registry office :—

Books I, II and IV under Act XVI of 1864, and their fair-copied alphabetical indexes.

85. In January of each year the following records for the third year previous shall be transferred from sub-registry offices to the registry office of the district :—

- (i)—Books I and VI under Act XX of 1866, and Books I and IV under Act VIII of 1871, and Index III.
- (ii)—Copies and translations filed under Section 19.

(iii)—Special powers-of-attorney granted for the purpose of registration, and filed in the registration offices.

[*Explanation.*—The books for 1869 will be transferred to the registry office in January 1872.]

86. Books II and III, and the register of attested powers-of-attorney, shall be transferred to the registry office as soon as they are filled.

87. The following records shall be preserved in perpetuity in all registry offices :—

(i)—All the register books and their indexes, as well those of the registry office as those received from the sub-registry offices.

(ii)—Registers of powers-of-attorney.

(iii)—Special powers-of-attorney granted for the purpose of registration and filed in the registration offices.

(iv)—All the records mentioned in rule 83.

(v)—Reports of the destruction of records and lists of the papers destroyed.

88. The following records shall be preserved in perpetuity in all sub-registry offices :—

(i)—Book III under Act XVI of 1864, and Book V under Act XX of 1866.

(ii)—The rough indexes under Act XVI of 1864.

(iii)—Indexes I and II under Acts XX of 1866 and VIII of 1871.

89. The register books and indexes of the General Registry Office under Act XVI of 1864 and Act XX of 1866, shall be transferred to, and henceforward preserved in, the Calcutta registry office.

90. The following records may be destroyed after the expiration of three full years from the period to which they relate :—

(i).—Fee books and abstract fee books.

(ii).—Registers of visits and commissions.

(iii).—All abstracts and memoranda received under Act XVI of 1864, *which have been copied into bound books.*

(iv).—The receipts referred to in Section 52.

(v).—All correspondence, whether in English or in the vernacular, which is of an ordinary routine character, and which the Registrar considers may be destroyed subject to the instructions of the Inspector-General.

(vi).—Monthly returns, petitions, and other records and papers not otherwise specified.

91. No books or papers whatever shall be destroyed at a sub-registry office without the previous sanction of the Inspector-General.

92. Registrars shall permit search and grant copies of entries in the registers kept up previous to the enactment of Act VIII of 1871 at the same rate of fees, and to the same extent, as is prescribed with regard to registers under that Act.

93. Copies shall only be given on paper stamped in accordance with the stamp law for the time being in force.

94. A call for information from any court or revenue authority shall, if it necessitates search in the registers, be accompanied by the necessary fee for search. Officers of Government shall be permitted to inspect the registers without fee; but if the production of a register-book in any court is required, it shall be produced by an officer of the registration establishment deputed for that purpose, and his expenses shall be paid like those of any other witness.

#### XIV.—OF REFUSAL TO REGISTER.

95. The reasons which may be recorded for refusal to register are as follows:—

(i)—That the document, if in a language which the registering officer does not understand, and which is not commonly used in the district, is not accompanied by a true translation and true copy. (Section 19.)

(ii)—That interlineations, &c., are not properly attested. (Section 20.)

(iii)—That the description required by Section 21 is not sufficient to identify the property; or that copies of a map or plan have not been given. (Section 21.)

(iv)—That the document has not been presented by a person executing or claiming under it, or by his representative or assign, or by the agent of any of them. (Section 32.)

(v)—That the presenting agent's power-of-attorney has not been authenticated according to the Act; or that the alleged representative or assign has failed to prove his *status*. (Section 34.)

(vi)—That the fee or other expense due on the document has not been paid. (Section 78.)

(vii)—That the document is not stamped in accordance with any rules prescribed under Section 5 of the General Stamp Act, 1869, and Section 26 of the Court Fees Act, 1870.

[In these seven cases the document may, in the first instance, be returned with the endorsement "Returned for completion of description" or "for payment of fee," or as the case may be. If it be a second time presented for registration incorrectly, or if it be presented correctly but after the expiry of the time allowed, registration shall be refused.]

(viii)—That it is presented after the period of limitation. (Part IV.)

(ix)—That it is not drawn up in the manner, or with the materials, directed in rule 8.

(x)—That execution is not admitted by all the persons who are alleged to have executed it. (Section 35.)

(xi)—That a person by whom the document purports to be executed is dead, and his representative or assign denies the execution. (Section 35.)

(xii)—That a person purporting to have executed the document appears to be a minor, an idiot, or a lunatic. (Section 35.)

[In these five cases registration shall be refused at once.]

(xiii)—That the registering officer is not satisfied of the identity of any person appearing before him and alleging that he executed the document. (Section 35.)

(xiv)—That the registering officer is not satisfied as to the truth of the allegation that a person who executed the document is dead. (Section 35.)

(xv)—That the admitting agent's power-of-attorney has not been made in accordance with the Act; or that an alleged representative or assign has failed to prove his *status*. (Section 35.)

[In these three cases the registering officer may allow a postponement for a definite time, in order that satisfactory proof or a sufficient power may be procured. If proof is not given within that time, and cause for a further postponement is not shown, he shall refuse registration.]

96. The reasons for which the registration of a document is refused shall be recorded in Book II at the time the order of refusal is made.

#### MISCELLANEOUS.

97. Applications for the remission of fines under Section 70 may be filed with the registering officer, but no such application shall be received until the fine has been paid. The application shall be forwarded to the Inspector-General with any remarks which the registering officer may wish to make.

98. When a registered document is destroyed under Section 83, a note to that effect shall be made in the book in which it is registered.

99. When, owing to omission or error in any document which has been registered, a supplementary document rectifying such mistake or omission is presented for registration, a note of such rectification shall be made in the margin of the register in which the original document is registered.

100. Registering officers shall take care that their clerks have no dealings with the public except in their presence. They shall themselves receive documents which are tendered for registration, and when they are registered, shall return them with their own hands.

101. When a document occupies more than one sheet of paper, the seal or the signature of the registering officer shall be attached to every sheet unless some portion of the endorsement be written thereon.

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# TABLE OF FEES

UNDER THE INDIAN REGISTRATION ACT, 1871.

## I.—ORDINARY FEES.

(A) The fees for the registration of the documents described below shall be regulated on an *ad valorem* scale, and calculated according to the value of the right, title, and interest affected in the manner following, that is to say :—

	R.	A.	P.
Where the value does not exceed Rs. 100 ...	0	8	0
Where the value exceeds Rs. 100 but does not exceed Rs. 500 ...	1	0	0
Where the value exceeds Rs. 500 but does not exceed Rs. 1,000 ...	1	8	0
And for every further Rs. 1,000 or part thereof ...	0	8	0

### *Description of Documents.*

Conveyances and bills of sale, deeds of gift or dower, settlements, deeds of partition, leases, deeds of mortgage or instruments of further charge, bonds, assignments of any interest secured by a bond or mortgage deed, policies of insurance, bills of exchange and promissory notes; and, generally, all other documents of the nature of those hereinbefore mentioned.

Provided (i)—That in case where any consideration is expressed, the consideration, and, in case of leases and other periodical payments, the amount payable for one year in addition to any fine or premium, and, in case of bonds and mortgages, the amount to be secured, shall be taken to be the value of the right, title or interest affected.



(ii)—That if no consideration, rent, or other value be expressed in the document, the amount payable shall be in every case ... .. Rs. 10

(iii)—That if a lease given to any ryot and the kabuliyat or counterpart of such lease executed by such ryot be brought for registration at the same time, the fees chargeable in respect of the two documents shall not be greater than the fee which would have been charged upon the lease alone.

(B) The fee for the registration of a separate instrument acknowledging the receipt or payment of any sum of money, whether consideration on account of any deed of sale or mortgage, or rent on account of any lease, or other value expressed in any document, shall be calculated according to the amount received on the above scale. Provided that if any instrument referring to the same transaction have already been registered, the fee shall not exceed ... Rs. 2

(C) (a) The fee to be paid on the deposit of any sealed cover containing a will or authority to adopt (such authority being executed before the 1st January 1872) shall be ... .. Rs. 2.

(b) On the opening of such cover, Rs. 2, besides the expense of copying the contents according to the scale laid down in this table for the granting of certified copies.

(c) On the registration of any will or authority to adopt presented open ... .. Rs. 4

(D) The fee for the registration of a certified copy of a decree or order of Court shall be ... .. Re 1.

(E) The fee for the registration of an agreement for personal service shall be 8 annas only.

(F) The fee for the registration of any document of a description not mentioned above, shall be Re. 1, if the document does not exceed one page of the Register-book, and Rs. 2, if in excess of that limit.

(G) For every copy and memorandum of a document to be forwarded to another office under Sections 64-67, there shall be paid an extra fee equivalent to that paid under Article A, B, D, or F ; provided that the fee for a copy shall not exceed Rs. 10, and that the fee for a memorandum shall not exceed Re. 1.

(H) The fee to be paid for search shall be—

For the first year in the books of which search is made,  
Re. 1.

For every other year, 4 annas.

Provided that no fee under this article shall exceed the sum of Rs. 5.

NOTE.—Every application for the grant of a certified copy, except at the time of the registration of a document, shall be considered as an application for search.

(I) For making or granting copies of reasons, entries or documents, before, on or after registration, a fee shall be charged at the rate of 1 anna for every hundred words in the Native character, and of 2 annas for every hundred words in the English character.

## II.—EXTRA OR ADDITIONAL FEES.

(K) For registration by any Registrar other than the Registrar of Calcutta of any document under Section 30 (a) . . . . . Rs. 5

NOTE.—The additional fee shall not be payable when an instrument is registered by a Registrar acting as Sub-Registrar under Rule 2, or in consequence of the Sub-Registrar by whom it should be registered under Section 29 being a party interested in the transaction to which such instrument relates.

(L) For registration by the Registrar of Calcutta when no portion of the property is situate within his district, Rs. 10

(M) For attendance under Section 31 at a private residence for registration or acceptance of any one document, will, or authority ... .. Rs. 10

(N) Before the issue of a commission, or before the Registering Officer or Judge personally proceeds to any dwelling-house or jail, to obtain evidence as to the voluntary nature of the execution of a power-of-attorney under Section 33, or for the examination of any person under Section 38, a fee shall be paid as follows on account of every person exempted from appearance:—

(1) If the person be exempted on account of bodily infirmity such as to make it impossible without risk of life to attend the Office, or because confined in jail ... Rs. 5

(2) If the person be exempted on account of sickness of any other kind, or as a person exempt by law from personal appearance in Court ... .. Rs. 10

And in addition travelling allowance must be paid to the Registering Officer or Judge or any person to whom the commission is issued at the rate of four annas a mile, for all distances exceeding one mile from the Registration Office.

Provided that where two or more persons, who execute the same document reside together, only one commission fee shall be charged so far as those persons are concerned.

(O) For admission of a document to registration under Section 24 or Section 34 after the expiration of the time prescribed :—

If presented within seven { Twice the fee payable on ac-  
days of the time prescribed ... { count of such document.

If presented within a month  
of the time prescribed ... Four times the fee.

If presented within four  
months of the time prescribed. Ten times the fee.

*Explanation.*—This fine is inclusive of the ordinary fee.

NOTE.—When two or more copies of a document executed by the same parties are presented for registration at the same time, an ordinary fee shall be payable for each copy. But any extra or additional fee which is payable under clauses (K) (L) (M) (N) and (O), shall be calculated as for one document only, no matter how many copies of that document may be registered.

(P) For authenticating or attesting the execution of a power-of-attorney, as follows :—

If it is a special power ... .. Re. 1

If it is a general power ... .. Rs. 2

(Q). The fees for serving summonses under the provisions of Section 37 shall be regulated according to the scale in force in the Revenue Courts in the same District.

## APPENDIX I.

*A List of Registration Districts and Sub-Districts in Bengal.*

Districts.	Sub-Districts.	Extent of Jurisdiction.
BACKERGUNGE	BURISAL ...	Thanah Backergunge. " Burisal. " Mehdiganj. " Nalchiti & Jhalokati.
	DAKHAN SHAH-BAZPUR	" Chanfia or Daulatkhan. " Dhania Mania.
	MADARIPUR ...	" Burhirhat. " Gaurnadi. " Kotwalipara. " Mulfatganj (in Dacca).
	PATUAKHALI ...	" Banfal. " Gulsakhali. " Khalsakhali. " Mirzaganj.
	PEROZPUR ...	" Kewaria. " Mutbari. " Perozpur.
BALASORE ...	BALASORE ...	" Baharda or Bustah. " Balasore. " Baliapal. " Jelasore. " Sohro.
	BHUDDRUCK ...	" Basdebpur. " Bhuddruck. " Dhamnagar. " Mutoh.
BANCOORAH...	BANCOORAH ...	" Bancoorah. " Chatna. " Gangajalghati. " Gaurangadihi. " Onda. " Raghunathpur.
	GURBETTA ...	" Bissenpur. " Gurbetta (in Midnapore). " Kotalpur.
	RANIGANJ ...	" Niyamatpur. " Raniganj.

Districts.	Sub-Districts.	Extent of Jurisdiction.	
BHAGALPUR...	BHAGALPUR ...	Thanah	Bhagulpur.
		"	Colgong.
		"	Kumarganj(Sultanganj).
		"	Luqmanpur (Permeshur- pur).
	BANKA ...	"	Amarpur.
		"	Banka.
		"	Katoreah.
	MUDHIPURAH ...	"	Kishenganj.
		"	Mudhipurah.
	SUPUL ...	"	Bangaon.
		"	Partabganj (Nathpur).
		"	Supul.
BIRBHUM ...	SOORY ...	"	Barwan.
		"	Kasba.
		"	Khyrasol.
		"	Kristonagar.
		"	Labhpur.
		"	Mauressar.
		"	Nalhati.
		"	Rajnagar.
		"	Rampur Hat.
		"	Sakulipur.
		"	Soory.
BOGRA ...	BOGRA ...	"	Adamdiggi.
		"	Bhadalgachj.
		"	Bogra.
		"	Khetlal.
		"	Lalbazar.
		"	Shariakandi.
		"	Sherpur.
		"	Shibganj.
BURDWAN ...	BURDWAN ...	"	Burdwan.
		"	Ganguria.
		"	Indas.
		"	Khandaghos.
		"	Sahibganj.
		"	Selimabad.
	BOODBOOD ...	"	Ausgram.
		"	Boodbood.
		"	Kaksa
		"	Somamukhi } (in Ban- coorah).

Districts.	Sub-Districts.	Extent of Jurisdiction.
BURDWAN— (Continued.)	CULNA ...	Thanah Bhaturia. " Culpa. " Mantessar.
	CUTWA ...	" Cutwa. " Katugram. " Mangalkot.
CACHAR ...	SILCHAR ...	" Katigora. " Lokhipur. " Silchar.
	HYLAKANDY ...	" Hylakandy.
CALCUTTA ...	Conterminous with the Original jurisdiction of the High Court.	
CHITTAGONG	CHITTAGONG ...	Thanah Bhatuari. " Chittagong. " Fatikohari. " Hat-hazari. " Pattia. " Rajan. " Satkania. " Zorawarganj.
	COX'S BAZAR ...	" Chakaria. " Ramu. " Tekraf.
CHUMPARVN...	MOTIHARI ...	" Dhaka Ramchandari. " Gobindganj. " Kesurea. " Motihari.
	BETTIAR ...	" Bettiar. " Bugaha. " Lowrea.
CUTTACK ...	CUTTACK ...	" Cuttack. " Salipur.
	JAGATSINGHPUR	" Jagannathpur. " Jagatsinghpur.
	JAJIPUR ...	" Dharmasala. " Jajipur. " Ulabar.
	KENDRAPARA ...	" Kendrapara " Patamundi.

Districts.	Sub-Districts.	Extent of Jurisdiction.
DACCA ...	DACCA ...	Thanah Dacca. Kapasia. Lalbagh. Narainganj. Nawabganj. Raipura. Rugganj. Sabhar.
	MANIKGANJ ...	" Harirampur. " Jafarganj. " Manikganj.
	MUNSHIGANJ ...	" Munshiganj. " Srinagar.
DARJEELING...	DARJEELING ...	" Darjeeling. " Kurseong.
	TERAI ...	" Mattigurrah. " Phansedewa.
DINAJPUR ..	DINAJPUR ...	" Bansihari. " Birganj. " Chintaman. " Dinajpur. " Gangarampur. " Habra. " Hemtabad. " Kalianganj. " Nawabganj. " Patiram. " Patnitala. " Pirganj. " Porsa. " Rajarampur. " Ranisankoil. " Thakurgaon.
DURRUNG ...	TEZPUR ...	" Tezpur.
	MUNGLEDYE ...	" Chatgori. " Korrapara. " Mungledye.
	BISHNATH ...	" Gohpur. " Sooteah.



Districts.	Sub-Districts.	Extent of Jurisdiction.
FARIDPUR ...	FARIDPUR ...	Tnanah Ainpur or Talmah.
		" Bhūshnā.
		" Deora.
		" Faridpur.
		" Gopinathpur.
		" Maqṣudpur.
GOWALPARA...	GOWALPARA ...	" Sadrpur.
		" Belgaohi.
		" Goalundo
		" Pangsa.
		" Paqirgaon.
		" Gowalpara.
GYA ...	GYA ...	" Gaurīpūr or Dubrī.
		" Rarībarī.
		" Singmarī.
		" Arwal.
		" Daudnagar.
		" Gya.
HAZARIBAGH	HAZARIBAGH ...	" Jahanabad.
		" Tikari.
		" Uttri.
		" Aurangabad.
		" Nabinagar.
		" Nowadah.
HAZARIBAGH	HAZARIBAGH ...	" Rajauli.
		" Bara Chatti.
		" Sherghotty.
		" Chattra.
		" Golab.
		" Hazaribagh.
HAZARIBAGH	HAZARIBAGH ...	" Hunterganj.
		" Itkhorī.
		" Kusmār.
		" Paghar.
		" Ramgarh.
		" Bagodhar.
HAZARIBAGH	HAZARIBAGH ...	" Burhī.
		" Gawan.
		" Kodermah.
		" Kharakdiha.
		" Sirampur.
		" Kharakdiha.

Districts.	Sub-Districts.	Extent of Jurisdiction.
HOOGHLY	HOOGHLY	Thanah Balaghar.
		" Bansberia.
		" Chinsurah.
		" Dhanekhal.
		" Hooghly.
		" Pandua.
	JAHANABAD	" Chandrakona.
		" Ghatál.
		" Goghat.
		" Jahanabad.
		" Khanakul.
HOWRAH	SERAMPUR	" Rayna (in Burdwan).
		" Baidyabati.
		" Chanditala.
		" Haripál.
		" Kristanagar.
		" Serampur.
	HOWRAH	" Ampta.
		" Bagnan.
		" Bali.
		" Dumjur.
		" Golábari.
JALPAIGORI	JALPAIGORI	" Howrah.
		" Jagatballabhpur
		" Sankrál.
		" Sibpur.
		" Syampur.
	FALLACOTTA	" Uluberia.
		" Boda.
		" Faqirganj.
		" Mynagori.
		" Silligori.
JESSORE	JESSORE	" Alipur.
		" Fallacotta.
		" Pátgrám
		" Bagherpara.
		" Gudkhali.
	BAGHERHAT	" Jessore.
		" Kaliganj.
		" Kesabpur.
		" Manirampur.
		" Bagherhat.
		" Molmahat.
		" Morrellganj.
		" Rampal.

Districts.	Sub-Districts.	Extent of Jurisdiction.				
JESSORE— (Continued.)	JENIDAH ...	1 thanah Harenakunda. " Jenidah. " Kotchandpur. " Sulkopa.				
	KHULNA ...	" Bytaghatta. " Deluti. " Dumria. " Khulna.				
	MAGURAH ...	" Magurah. " Muhammadpur.				
	NARAL ...	" Kadiya. " Lohagara. " Naral.				
	KAMRUP ...	GOWHATTY ...	" Choygang. " Gowhatty. " Kamalpur. " Khaliha. " Nalbari.			
			" Rungiah. " Tamalpur.			
			BURPETTA ...	" Bajali. " Burpetta. " Raha.		
				LOHARDUGGA	RANCHI ...	" Balumat. " Bareysar. " Barwe. " Basia. " Biru.
						" Chorea. " Korambe. " Lodhma. " Lohardugga. " Palkot.
		" Ranchi. " Silli. " Tamar. " Torpa.				
PALAMOW ...		" Chhattarpur. " Daltonganj. " Garwa. " Manka. " Mujiwan.				
		" Patan. " Ramkunda.				

Districts.	Sub-Districts.	Extent of Jurisdiction.
LUCKIMPUR ...	DEBROOGHUR ...	Thanah Debrogghur. Doom-Doom. Jaipur. Suddya.
	NORTH LUCKIMPUR	Dhokowa Khana. Luckimpur.
MALDAH ...	MALDAH ...	Bholahát. Gajol. Gaurgoriban. Gomashtapur. Kaliachak. Kharba. Maldah. Nawabganj. Shibganj.
MANBHUM ...	PURULIA ...	Barabhum. Chass. Purulia. Raipur. Supur.
	GOVINDPUR ...	Govindpur. Nirsha. Topchanchi.
MIDNAPUR ...	MIDNAPUR ...	Bímpur. Dantun. Dáspur. Debra. Gopiballabhpur. Jhargaon. Keshpur. Midnapur. Narayanghar. Sabang. Salbuni.
	CONTAI ...	Agra. Bhagabanpur. Contai. Khejri. Pataspur. Raghuna.

Districts.	Sub-Districts.	Extent of Jurisdiction.
MIDNAPUR— (Continued.)	TAMLUK ...	Thanah Maslandpur.
		" Nandigram.
		" Panchkura.
		" Sutahati.
		" Tamluk.
MONGHYR ...	MONGHYR ...	" Gogri.
		" Jamalpur.
		" Kharakpur.
		" Monghyr.
		" Surajgarha.
	BEGUSARAI ...	" Bullia.
		" Tegra.
	JUMUI ...	" Chukai.
		" Jumui.
		" Sekandra.
		" Shaikhpurah.
	BERHAMPTUR ...	" Barwa.
		" Bhagwangola.
		" Daulatbazar.
		" Diwansarai.
		" Gawas.
		" Gorabazar.
		" Harharpara.
		" Jalanghi.
		" Kalianganj.
		" Nawadah.
MURSHEDABAD	JANGIPUR ...	" Pirtala.
		" Shujaganj.
		" Mirzapur.
		" Palsa.
		" Raghunathganj.
		" Shamsheerganj.
		" Suti.
	KANDI ...	" Bharatpur.
		" Gokaru.
		" Khirgram.
	MURSHEDABAD CITY, OR LALBAGH	" Ahsanpur.
		" Manullabazar.
		" Shahnagar.

Districts.	Sub-Districts.	Extent of Jurisdiction.
MYMENSING ...	MYMENSING ...	Thanah Ghafurgaon. Madarganj. Mymensing. Nitrakona. Phulpur or Ghosgong. Shusong or Durgapur.
	ATTIA ...	Attia or Paccolla. Madhupur. Pingua.
	JAMALPUR ...	Diwanganj. Jamalpur. Sherpur.
	KISHORGANJ ...	Bazidpur. Kishorganj. Nikli or Agarsindur.
NOAKHALI ...	BHULLOAH ...	Amirgaon. Baumni. Beganganj. Hattia. Lakhipurah. Ramganj. Suderam or Noakhali.
	SUNDIP ...	Sundip.
NOWGONG ...	NOWGONG ...	Duboka. Jogi. Koliabar. Nowgong.
	KISHNAGHUR ...	Chapra. Hanskhali. Kaliganj. Kishnaghur. Kissenganj. Nakashipara.
NUDDEA ...	BONGONG ...	Bongong. Gaighati. Gaurapotha. Gopalnagar. Maheshpur. Sawsha.

Districts.	Sub-Districts.	Extent of Jurisdiction.
NUDDEA— (Continued.)	CHUADANGAH ...	Tianah Alumdangah. " Chuadangah. " Damirhuda. " Jibannagar. " Kalápol.
	KUSHTA ...	" Bhadulé. " Bhaluka. " Daulatpur. " Kumarkhali. " Kushtea. " Naupara.
	MEHERPUR ..	" Gangni. " Karimpur. " Meherpur. " Tehátá.
	RANAGHAT ...	" Chogdah. " Jagúli. " Ranaghat. " Santipur.
	PATNA ... PATNA ...	" Bankipur. " Musaudi Buzurg. " Naubatpur. " Paliganj. " Patna.
	BARH ..	" Bakhtiarpur. " Barh. " Fathwa. " Makáma.
	BEHAR ...	" Behar. " Hilsa. " Uttasarai.
	DINAPUR ...	" Dinapur. " Munir. o
	PUBNA ... PUBNA ...	" Chatmohar. " Dulay. " Mathura. " Pubna.
	SERAJGANJ ...	" Raiganj (in Bogra). " Shahzadapur. " Serajganj. " Ulapara.

Districts.	Sub-Districts.	Extent of Jurisdiction.
PURI ...	PURI ...	Thanah Gop. Pipli. Puri.
	KHURDAH ...	Banpur. Khurda. Tanghi.
PURNEAH ...	PURNEAH ...	Amurqasbah. Balrámpur. Dhumdaha. Gondwara. Kadbah. Manihári. Purneah.
	ARAREEA ...	Arareea. Matihari. Raniganj.
	KISHENGANJ ...	Bahádarganj. Kaliaganj. Kishenganj.
RAJSHAHI ...	RAMPUR BAULFAH	Baghmára. Bandaikhara. Bauleah. Bhalukgáchhi. Charghat. Godágari. Lalpur or Bámária. Mánda. Tánar.
	NATTORE ...	Baraigram. Nattore. Singra.
RUNGPUR ...	RUNGPUR ...	Alipur. Bagdwar. Barabari. Baruni. Darwani. Dimla. Kumarganj. Mahiganj or Rungpur. Nágéswarí. Nisbatganj.



Districts.	Sub-Districts.	Extent of Jurisdiction.
RUNGPUR ... (Continued.)	RUNGPUR ...	Thanah Pharanbari. „ Pirganj.
	BHAWANIGANJ...	„ Bhowaniganj, „ Chilmari. „ Gobindganj (in Bogra). „ Raniganj (in Dinajpur). „ Sadullapur.
SARUN ...	CHUPRA ...	„ Chupra. „ Digwara. „ Goldinganj in Cherand. „ Manjhi. „ Mashrak.
		„ Parsa. „ Tajpur.
	SEWAN ...	„ Baragaon. „ Barauli. „ Darauli. „ Sewan.
SHAHABAD ...	ARRAH ...	„ Arrah. „ Piru.
	BHUBHUA ..	„ Bhubbua. „ Chand. „ Ramgarh.
	BUXAR ...	„ Buxar. „ Chausah.
	SASSERAM ...	„ Dhangaon. „ Nokha. „ Sasseram.
SIBSAUGOR ...	SIBSAUGOR ...	„ Bortola. „ Sibsaugor.
	GOLAGHAT ...	„ Golaghat.
	JOREHAT ...	„ Jorehat.
SINGBHUM ...	CHYEBASSA ...	„ Baharhagarha. „ Chakradharpur. „ Chyebassa. „ Kalkapur.

Districts.	Sub-Districts.	Extent of Jurisdiction.
SONTHAL PER- GUNNAHS ...  N. B.—The Re- gistry Office is at Bhagulpur.	DEOGHUR ...	The Sub-districts in the Sonthal Pergunnahs coincide with the separate jurisdictions of the As- sistant Commissioners.
	GODDA ...	
	JAMTARA ...	
	NYA DOOMKA ...	
	PAKOUR ...	
	RAJMAHAL ...	
SYLHET ...	SYLHET ...	Thanah Abtdabad.
		" Chatak.
		" Dharamparsa.
		" Gwineghat.
		" Hingajeah.
		" Jynteah.
		" Lashkarpur.
		" Latá.
		" Múlagául.
		" Nabiganj.
TIPPERAH ...	COMILLA ...	" Noakhali.
		" Parkul.
		" Rajnagar.
		" Sankarpasa.
		" Sonamganj.
		" Tajpur.
		" Barkamptah.
		" Chagalnyah.
		" Comilla.
		" Daudkandi.
	NASIRNAGAR ...	" Hajiganj.
		" Jagannath Diggi.
		" Laksham.
		" Narsingpur or Tubki-
		" Thorla. [bugrah.
		" Gauripurah.
		" Nasirnagar.
		" Qasbah.
TIRHUT ...	MOZUFFERPUR ...	" Belsand.
		" Budraj.
		" Kutreh.
		" Mozufferpur.
		" Patokhas



Districts.	Sub-Districts.	Extent of Jurisdiction.
24-PERGUN- NAHS—(Contd.)	DIAMOND-HAR- BOUR ...	Thanah Bankipur. " Dehipur. " Gobindpur. " Sultanpur.
	SATKHIRA ...	" Asasuni. " Kalarua. " Kaliganj. " Magurah. " Satkhira.

*A List of Districts and Sub-Districts in the North-Western Provinces of Bengal.*

NOTE.—Unless the contrary is noted, the Districts are coterminous with the Revenue Districts, and the Sub-Districts with the Tehseelees. ]

Districts.	Sub-Districts.	Districts.	Sub-Districts.
Agra (1) ...	Huzoor Tehseel Furrab Surhendee Futtehpore Secree Khundowlee Ferozabad Irradnugger Pinnahut Futtehabad Agra Cantonment Muttra (2) Sydabad Jaleysaur Mahabun Kosee Noujheel Maat Suhar	Bareilly ...	Bareilly Pillibheet Buheroe Beesulpore Aonla Nawabganje Meergunge Furreedpore Bareilly Cantonment
Allahabad ...	Allahabad (3) Chail (4) Khyragurh Soraon Puchim Sureera Kurrah Barah Arail Kewnee Secundra Allahabad Cantonment	Benares ...	Benares City Benares Pergunnah Chundowlee Benares Cantonment
Allygurh ...	Coel Hattrass Khyr Secundra Rao Attrowlee <sup>c</sup> Eglass Kasgunge (5)	Cawnpore (6) ..	Jajmow Derapore Ghatumpore Bhognepore Bilhour Kassoolabad Shoorajpore Sarh Saleempore Ukberpore Cawnpore Cantonment Humeerpore Jellalpoore Punwarce Raat Moudah Mahoba
Azimgurh ...	Nizamabad Secunderpore Sugree Mahomdabad Mahool Deogaon	Dehra Doon ...	Dehra Doon Kalsee Chukrata Cantonment
		Furruckabad ...	Furruckabad Chubramow Tirwa Ranouj Allygurh Kaingunge

(1) Comprising also the Revenue District of Muttra.

(2) Coterminous with the Pergunnah.

(3) Comprises the Allahabad Municipality.

(4) Comprises the portion of the Chail

Tehseelee lying outside of the boundaries of the Allahabad Municipality.

(5) In the Revenue District of Etah.

(6) Comprising also the Revenue District of Humeerpore.

Districts.	Sub-Districts.	Districts.	Sub-Districts.
Futtehpore (7) ...	Futtehpore Kora Ghazeehpore Badekee Hutgaon Ekdulla Bandah Ougasee Pylance Bhudousa Dursenda Chiboo Tirohan Seoda	Jounpore ...	Jounpore Ghisoo Murreahoo Unglee Kherakut
		Kumaon (10) ...	Gurhwal (11) Nynee Tal (12) Kalee Kumaon (13) Almorah (14) Raneekhet Cantonment
		Lullutpore ..	Lullutpore Mehrownie
Ghazeehpore ...	Ghazeehpore Svd pore Zummaneeah Bulliah Mahomdabad Russeerah	Meerut (15) ...	Meerut Ghazeeabad Haupper Bagput Sirdhanah Mowannah Meerut Cantonment Boolundshuhur Anoopshuhur Khoorjah Secundrabad
Goruckpore (8)	Sudder Tehseel Banagaon Maharajgunge Pudrowna Deoreerah Bustee Captaingunge Bansee Khuleelnabad Doomuriagunge	Mirzapore ...	Mirzapore Chunar Robertsgunge
		Moradabad (16)	Moradabad Hussunpore Bilharee Amroha Thakoordwara Sumbhul Bijnore Dhampore Nugeena Najeebabad Chandpore
Jaloun ..	Ooraie Jaloun Calpee Koonch Madhogurh		
Jhansie ...	Jhansie Gurowtha Mote Mow Goorserai (9) Jhansie Cantonment	Mynpoory (17)	Mynpoory Kurhul Bhowagaon

(7) Comprising also the Revenue District of Banda.

(8) Comprising also the Revenue District of Bustee.

(9) Conterminous with the Rajah's Jagir.

(10) Comprising also the Revenue District of Gurhwal.

(11) Conterminous with the Revenue District.

(12) Comprising the Pergunnahs Kota, Dhunia Kot, Chhukata, Phulakote, Ramgurb, Muhreoree, Bhaur, Dhyanee Row.

(13) Comprising the Pergunnahs Kalee, Kumaon, Share, Sheera, and Uskot.

(14) Comprising the Pergunnahs Baramundul, Katolee, Palee Chowgurdka, Danpore, Gungolie, and Bhootee Mehals.

(15) Comprising also the Revenue District of Booldundshuhur.

(16) Comprising also the Revenue District of Bijnour.

(17) Comprising also the Revenue District of Etawah, and the Etah and Allygunge Tehseels of the Etah District.

Districts.	Sub-Districts.	Districts.	Sub-Districts.
<b>Mynpoory—</b> ( <i>Continued.</i> )	Shekonbad Moostuffabad Etawah Bhurtna Dullelnugger Bidhouna Phaphoond Etah Allygunge	<b>Shahjehanpore</b> (19)	Shahjehanpore Jullalabad Tilhar Powayn Budaon Goonour Datagunge Suheswan Bissowlee
<b>Saharanpore (18)</b>	Saharanpore Nukoor Deobund Roorkee Boodhana Roorkee Cantonment Mozuffernugger Jansuth Shamlee	<b>Terai Pergunnahs</b>  The Family Do- mains of the Maharajah of Benares (21)...	<b>Kasheepore (20)</b>  Kourh (22) Gungapore (23) Chukeca (24)

(18) Comprising also the Revenue District of Mozuffernugger.

(19) Comprising also the Revenue District of Budaon.

(20) Conterminous with the District.

(21) As referred to in Section 3, Regulation XV of 1793.

(22) Conterminous with the Pergunnah of Bhudoe.

(23) Comprising the Pergunnah of Kuswar Rajah, inclusive of the Talooka of Kercowna.

(24) Comprising the Pergunnah of Kera Muger and the Talooka of Nowgurh.

*List of Districts and Sub-Districts in the Punjab.*

Districts.	Sub-Districts.	Districts.	Sub-Districts.
Ambala ...	Ambala Jagadhri Buria Rupar Kharar Sohana Naraingarh Raipur Pipli Kharindwa Mani Majra	Gujrat ...	Gujrat Kharian Phaliah
Amritsar ...	Amritsar Ajnala Raja Sansi Taran Taran Attari	Gurdaspur ...	Gurdaspur Dalbousie Shakargarh Pathankot Battala Fatahgarh
Bannu ...	Bannu Lakkhi Isakhail Kachi	Gurgaon ...	Gurgaon Riwari Palwal Nuh Firozpur Faruknagar
Dehli ...	Dehli Larsauli Ballabgarh	Hazara ...	Abbottabad Haripur Mafserah
Dera Ghazi Khan	Dera Ghazi Khan Sanghr Rujanpur Dajal	Hisar ...	Hisar Hansi Bhiwani Barwala Fatahabad
Dera Ismail Khan	Dera Ismail Khan Kulachi Tank Bhakkor Laiya	Hoshiarpur ...	Hoshiarpur Haryana Dasuha Tanda Mukerian Garshankar Balachor Unah Amb Anundpur Hajipur
Firozpur ...	Firozpur Zirah Mukatsar Mogah Guru Harsahai Butar	Jalandhar ...	Jalandhar Alawalpur Phillaur Nawashahr Bungah Nakodar Shakot
Gujaranwala ...	Gujaranwala Wazirabad Akalgarh Hafizabad	Jehlam ...	Jehlam



Districts.	Sub-Districts.	Districts.	Sub-Districts.
Jehlam—(Contd.)	Pindadan Khan Chakkowal Talagang	Mooltan ...	Mooltaf " Cantonment Shujabad Lodhian Mailai Sarai Sidhu
Jhang ...	Jhang Chaniot Shorkot	Muzaffargarh ...	Muzaffargarh Sitpur Kot Uddu
Kangra ...	Nadaun Siba Dharmasalla Palampur Kangra Nurpur Indaura Kotla Dehra Hamirpur Kutlahr Kullu Jagat Sukh Khyelang Plach Barowli Lahabagiraon	Peshawar ...	Peshawar " Cantonment Khalsa Khatak Hushnagar Doaba Daorai Yusufzai
Karnal ...	Karnal Kunjpura Panipat Kithal Arnauli	Rawalpindi ..	Rawalpindi " Cantonment Murree Kahuta Gujarkhan Atak Fatahjang Pindi Ghob
Kohat ...	Kohat Hangu	Rohtak ..	Rohtak Jhajjar Sampla Guhana
Lahor ...	Lahor Mian Mir Cantonment Kasur Chunian Sharakpur	Shahpur ..	Shahpur Bhera Khushab
Ludhianah ...	Ludhianah Ramgarh Malauah Bir Samrala Jagraun	Simla ...	Simla Kot Khai Barauli Kassowli
Montgomery ...	Montgomery Gugera Hujra Pak Pattan	Sirsa ...	Sirsa Sahuwala Fazilka
		Syalkot ...	Syalkot " Cantonment Pasrur Rajwah Zafarwal Daska

## APPENDIX II.

### LIST OF HOLIDAYS

*To be observed in Registration Offices under Rule 17.*

New Year's Day	...	...	...	...	1
Sri Panchamí (February)...	...	...	...	2	
Dol Játrá (February or March)...	...	...	...	1	
Good Friday and the day after	...	...	...	2	
Chaitra Sankrantí (April)	...	...	...	1	
The Queen's Birthday (May)	...	...	...	1	
Dasahará (May)	...	...	...	1	
Jñmástamí (August)	...	...	...	1	
Mahalaya (September or October)	...	...	...	1	
Durgá and Lakshmi Pujá (September or October)	...	...	...	12	
Kali Pujá (November)	...	...	...	2	
Jagaddhatrí Puja (November)	...	...	...	2	
Christmas Day and two days before or after	...	...	...	3	
Total number of close Holidays in the year	...	...	...	30	

### APPENDIX III.

#### EXTRACTS FROM THE RULES FOR THE SERVICE OF "PROCESSES OF THE REVENUE COURTS UNDER ACT NO. V OF 1863 OF THE BENGAL LEGISLATIVE COUNCIL.

16. The following fees are to be levied for the service of each process which has to be served on one person only, besides charges for boat-hire, ferries, postage, &c., which are to be paid separately, as provided in clause 22.

17. If the distance of the place of service or execution from the Court whence the process is issued, calculated not as the crow flies, but by the road the peon must travel,

does not exceed 12 miles	...	...	0	8	0
If the said distance exceeds 12 miles	...	...	1	0	0

18. When two or more processes are issued at the same time at the instance of the same party (whether in one case or more), and the persons on whom the processes may be served live in the same neighbourhood or on one line of road, all the processes should be entrusted to one peon, and the fees to be charged should be calculated as follows : on one process the full fee as per Rule 17, and on each of the others, one-fourth of such full fee.

20. If a peon is detained at the place of service for more than twenty-four hours, at the request of the person at whose instance the process was issued, or of his agent, such person or agent must pay, then and there, demurrage at the rate of five annas a day. Unless this demurrage is prepaid, the peon must not wait. No demurrage is to be charged if the delay is not due to the person or his agent.

\* \* \* \* \*

22. In addition to these fees, the actual charge which must be incurred, if it is necessary to employ boats or cross ferries, is to be levied from, and paid by, the person at whose instance the process is issued, before issue of the process. If a peon carries more than one process, whether for one party, or for several parties, the sums leviable by this clause are to be charged for the purpose of fixing costs, in equal shares, upon all the processes carried.

23. Whenever it may seem desirable to do so, the Court issuing a process may direct that it shall be transmitted by post, either to any other Court in the same District for service or execution by one of the peons attached to that Court, or to the address of any peon already in the interior of the District, for execution by him. The postage shall, in such cases, be prepaid by the person at whose instance the process is issued, and charged as costs upon the process.

24. A table in the following form, signed by the presiding Officer, showing the fees leviable for the service or execution of a single process, at places in its jurisdiction, is to be suspended in each Court. The names only of those places for service of a process, at which one of the two rates extant is leviable, should be given, with a remark, that for service of a process at any other place in the Sub-Division, the other rate is leviable. The names given should be of the fewer places to which one rate is applicable and in alphabetical order. A further note is to be added, showing the places at which a charge for ferries and boat-hire must be paid; the charge, it is believed, is usually uniform for a very large number of the places affected :—

*Authorized Charges for the service or execution of the Processes  
of this Court.*

Name of place.	Fee chargeable for the service of a single process.	Remarks.
1	2	

25. The table is to be approved by the Commissioner of the Division and is not to be altered without his sanction. Copies of the Table are to be printed at the expense of the Process Fund, and held available for sale at a small price, to the Revenue Agents and others interested; as also for distribution to the neighbouring District and Sub-Divisional Courts, wherever the issue of any process may be necessary.

\* \* \* \* \*

29. A Cheque Receipt Book should be kept in every Collectorate, from which a receipt, duly filled in and signed by the Nazir or other Officer receiving the process fees, must be given to every payee who asks for a receipt.

30. A notice should be framed and suspended in the Nazir's Office, stating that the Nazir has strict orders to give receipts for process fees to all applicants for such receipts; and that hereafter any one paying in money on account of process fees without a receipt, will do so at his own risk.

THE FOLLOWING ARE THE RULES FOR THE SERVICE OF PROCESSES  
IN CALCUTTA.

1. Processes for execution in Calcutta, under Act XXII of 1840  
are to be forwarded by post, or otherwise, to  
To be sent to Sheriff. the Deputy Sheriff, with a request that, after  
obtaining the needful endorsement of one of the Judges of the High  
Court, he will proceed with the execution of the process.

2. In accordance with the provision of Section 1 of that Act,  
every process must be accompanied by a  
'Accompanied by translation. certified translation in the English language.  
This translation should be worded, in the cases  
of Rent Law processes, in the original English form appended to Act  
X of 1859, or to Chapter 16 of these Rules, as the case may be.

3. The following is the Table of fees now in force under Act VIII  
of 1852, for the execution of processes in  
Fees. Calcutta :—(See Circular Order of the Sudder  
Court, No. 21, dated 7th October, 1852.)

On each Summons, Subpoena, Notice, and Proclamation ... ..	Rupees 2
On each Warrant, and Writ of Execution against the person or effects .. ..	„ 4

4. The fees for the service of the process, and if it is a summons to  
a witness, his travelling expenses, deposited,  
And expenses to be remitted. if his evidence is required in a Rent Suit,  
under Section 146 of Act X of 1859, must be  
remitted to the Deputy Sheriff with the process.

5. Save under the preceding rule, no remittances should be made,  
either in cash or postage stamps, on account  
Remittances. of peons' fees and postage, when processes,  
issued by a District or Sub-Divisional Court, are forwarded for service  
through the Court of another District or Sub-Division. It will be  
sufficient in such cases, for the Court which issues the process, to pay  
the necessary fees into the Treasury of its own District, and in applying  
for the service of the process, to certify that the payment has been  
made; such certificate being accepted as proof of payment by the Court  
addressed, and service of the process being ordered accordingly.

6. A person must attend at the Deputy Sheriff's Office to point out  
any person upon whom a process is to be  
Agent to be in attendance. served; and, if the process is a writ of execu-  
tion, under Act X of 1859, against moveable property, the judgment-  
creditor, or his agent, must, under Section 87 of the Act, attend to  
point out the property to be seized to the Sheriff's Officer.

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